

**NOTICE AND ACKNOWLEDGMENT FOR SERVICE BY MAIL**  
**IN THE STATE OF MISSOURI**  
**TWENTY-FIRST JUDICIAL CIRCUIT – ST. LOUIS COUNTY**

RICHARD HERSHEY,

Plaintiff,

vs.

THE CURATORS OF THE  
UNIVERSITY OF MISSOURI, et al.

Defendants.

Cause No. 16SL-CC01581

Div. 11

**NOTICE**

TO: Paul Maguffee

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgment part of this form and return one copy of the completed form to the sender within thirty days of 6/17/2016.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must comply with the requirements of the summons. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I DECLARE, UNDER PENALTY OF PERJURY, THAT THIS NOTICE WAS  
MAILED ON

6/17/2016

Robert Herman

Robert Herman

**ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION\***

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons  
and of the Petition in the above captioned matter.

Paul R. Maguffee

Paul Maguffee

Counsel to All Named Defendants  
Relationship to Entity/Authority

*except Defendant John Doe*

Receive Service of Process

6/30/16

Date Signed

\* For all defendants except John Doe



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581	(Date File Stamp)
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124	
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Other Miscellaneous Actions		

## Summons in Civil Case

The State of Missouri to: THOMAS F GEORGE

Alias:

401 WOODS HALL  
ONE UNIVERSITY BLVD  
ST. LOUIS, MO 63121-4499

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

29-JUN-2016

Date

Further Information:

JB

*Joan P. Hilary*  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

**THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI**

Twenty First Judicial Circuit

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES****Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.



(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

(3) **Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

(4) **Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

(5) **Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: BENARD DIGGS

Alias:

U OF M ST. LOUIS  
218 MILLENNIUM STUDENT CENTER  
ONE UNIVERSITY BLVD  
ST. LOUIS, MO 63121

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

29-JUN-2016

Date

Further Information:

JB

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

**THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI**

Twenty First Judicial Circuit

**NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES****Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation ("ENE"):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the "trial", the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



**IN THE STATE OF MISSOURI  
TWENTY-FIRST JUDICIAL CIRCUIT – ST. LOUIS COUNTY**

RICHARD HERSHEY,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	Cause No. 16SL-CCO1581
THE CURATORS OF THE	)	
UNIVERSITY OF MISSOURI, et al.,	)	Division 11
	)	
Defendants.	)	
_____	)	

**REQUEST FOR ISSUANCE OF SUMMONS**

Pursuant to Rule 54.01, Plaintiff requests that this Court issue a summons for each of the two following named Defendants and provide the summonses to counsel for Plaintiff, so that they may be served by mail:

**Thomas F. George, Chancellor**  
University of Missouri – St. Louis  
401 Woods Hall  
One University Blvd.  
St. Louis, MO 63121

**Benard Diggs, Director**  
Office of MSC Operations  
University of Missouri – St. Louis  
218 Millennium Student Center  
One University Blvd.  
St. Louis, MO 63121

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

By: /s/ Robert Herman  
Robert Herman, Bar No. 32376MO  
8820 Ladue Road, Suite 201  
St. Louis, Missouri 63124  
Ph: (314) 862-0200  
Fx: (314) 862-3050  
bherman@laduelaw.com  
*Attorney for Plaintiff, Richard Hershey*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 28, 2016, a true and correct copy of the foregoing document was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system.

By: /s/ Robert Herman

**IN THE STATE OF MISSOURI  
TWENTY-FIRST JUDICIAL CIRCUIT – ST. LOUIS COUNTY**

RICHARD HERSHEY,

Plaintiff,

vs.

THE CURATORS OF THE  
UNIVERSITY OF MISSOURI,

MICHAEL A. MIDDLETON,  
Interim President, University of Missouri,  
in his official capacity,

DR. HENRY C. FOLEY,  
Interim Chancellor, University  
of Missouri-Columbia,  
in his official capacity,

THOMAS F. GEORGE, Chancellor  
University of Missouri, St. Louis,  
in his official capacity,

DONALD L. CUPPS,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity,

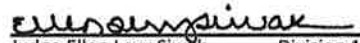
MAURICE B. GRAHAM,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity,

PAMELA Q. HENDRICKSON,  
Member of the University

Cause No. 16SL-CCO1581

Division 11

**LEAVE GRANTED:**

  
Judge Ellen Levy Siwak Division 11  
June 17, 2016

of Missouri Board of  
Curators, in her official capacity, )

JOHN R. PHILLIPS,  
Member of the University  
of Missouri Board of Curators,  
in his official capacity, )

PHILLIP H. SNOWDEN,  
Member of the University of Missouri  
Board of Curators, in his official capacity, )

DAVID L. STEELMAN,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity, )

NATHAN SANCHEZ,  
Police Officer for the University of  
Missouri – Columbia Police Department,  
in his individual capacity, )

JACOB CLIFFORD  
Police Officer for the University of  
Missouri – Columbia Police Department,  
in his individual capacity, )

BUDDY ANLIKER,  
Police Officer for the University  
of Missouri – Columbia Police Department,  
in his individual capacity, )

JOHN DOE,  
Police Officer for the University  
of Missouri – Columbia Police Department,  
in his individual capacity, )

and, )  
)  
BENARD DIGGS, Director )  
Office of MSC Operations for the )  
University of Missouri – St. Louis, )  
in his individual capacity, )  
)  
Defendants. )  
\_\_\_\_\_ )

### **FIRST AMENDED PETITION**

#### **CIVIL RIGHTS ACTION FOR DAMAGES, DECLARATORY, AND INJUNCTIVE RELIEF FOR VIOLATION OF THE CAMPUS FREE EXPRESSION ACT, MO. REV. STAT. §173.1550; AND VIOLATION OF THE FIRST, FOURTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION, 42 U.S.C. §1983**

#### **Preliminary Statement**

1. This is a civil rights action for acts taking place on the St. Louis and Columbia campuses of the University of Missouri (the University) in which Plaintiff Richard Hershey seeks relief for violation of the Campus Free Expression Act, Mo. Rev. Stat. §173.1550 (2015), and for violation of the First, Fourth, and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. §1983. Plaintiff seeks declaratory and injunctive relief, compensatory and statutory damages, an award of costs and attorney's fees, and such further relief as this Court deems just and fair.

#### **Jurisdiction**

2. This Court has jurisdiction over claims brought under the Missouri Campus Free Expression Act, Mo. Rev. Stat. §173.1550, as a court of "competent jurisdiction" to

hear civil actions between Missouri residents regarding state law. *Id.* This Court has jurisdiction to order declaratory relief under Mo. Rev. Stat. §527.010.

3. This Court has personal jurisdiction over the individual parties because all individual parties are residents of the state of Missouri. This Court has jurisdiction over The Curators of the University of Missouri (the legal name of the University, *see* Mo. Rev. Stat. §172.020), because the Campus Free Expression Act (CFEA) provides for a private cause of action against Missouri public institutions of learning, such as the University, by persons whose “expressive rights were violated through a violation of” the CFEA.

4. This Court has concurrent jurisdiction with the federal court over Hershey’s claim under 42 U.S.C. §1983, for violation of the federal constitution. *See Shapiro v. Columbia Union Nat’l Bank & Trust Co.*, 576 S.W.2d 310, 316 (Mo. banc 1978).

#### **Venue**

5. Venue is proper in this Court because Hershey resides in St. Louis County, all defendants reside in the State of Missouri, Defendants Maurice B. Graham and, upon information and belief, Chancellor Thomas F. George, reside in St. Louis County, the St. Louis campus of the University of Missouri is in St. Louis County, and some of the acts alleged occurred in St. Louis County. Mo. Rev. Stat. §508.010.

#### **Parties**

6. Hershey is a citizen of the United States and a resident of St. Louis County in the state of Missouri.



7. Defendant The Curators of the University of Missouri is the corporate name of the state university known as The University of Missouri, which has campuses in Columbia, St. Louis, Kansas City, and Rolla, Missouri. *See* Mo. Rev. Stat. §172.020

8. Defendant Michael A. Middleton is the Interim President of the University of Missouri system and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee, and agent of the University. President Middleton is named in his official capacity.

9. Defendant Dr. Henry C. Foley is the Interim Chancellor of the University of Missouri – Columbia campus, and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee, and agent the University. Chancellor Foley is named in his official capacity.

10. Defendant Thomas F. George is the Chancellor of the University of Missouri – St. Louis campus, and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee and agent of the University. Chancellor George is named in his official capacity.

11. Donald L. Cupps, Maurice B. Graham, Pamela Q. Hendrickson, John R. Phillips, Phillip H. Snowden, and David L. Steelman are members of the University Board of Curators and were acting under color of law in the course and scope of their duties as duly appointed and acting policymakers, officers, servants, and agents of the

University. Defendants Cupps, Graham, Hendrickson, Phillips, Snowden, and Steelman are named in their official capacities and are referred to collectively as the Board of Curators.

12. Defendant Nathan Sanchez was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Sanchez is named in his individual capacity.

13. Defendant Jacob Clifford was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Clifford is named in his individual capacity.

14. Defendant Buddy Anliker was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Anliker is named in his individual capacity.

15. Defendant John Doe was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Doe is named in his individual capacity.

16. Defendant Benard Diggs was at all relevant times employed as Director of the Office of MSC Operations for the University on the St. Louis campus and was acting

under color of state law in the course and scope of his duties as an agent and employee of the University. Director Diggs is named in his individual capacity.

### **Facts in Common to All Counts**

#### **Hershey's Arrest for Distribution of Literature**

17. Hershey is a vegetarian advocate whose ethical beliefs compel him to share his message, which he does by distributing free, noncommercial literature, for which he is compensated by various not-for-profit advocacy organizations.

18. On February 17, 2016, Hershey was lawfully on the public sidewalk at 900 Virginia Avenue on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of Hershey's strongly held vegetarian beliefs, for which he was compensated by a not-for-profit advocacy organization.

19. Virginia Avenue and its adjacent sidewalks, including the areas where Hershey was distributing his literature, are outdoor areas of the Columbia campus and contiguous to and indistinguishable from Columbia city streets and therefore traditional public fora.

20. At no time while Hershey was on the Columbia campus to distribute literature on February 17, did he ever create a disturbance, interfere with pedestrian or other traffic, violate any law, or disrupt the functioning of the University.

21. The University dining hall "Plaza 900" is located at 900 Virginia Avenue, and was open for business during Hershey's entire presence outdoors at 900 Virginia Avenue.

22. Shortly after Hershey began to distribute his literature, Officer Sanchez approached him and requested a copy of Hershey's booklet, which Hershey gave him.

23. After reviewing the booklet, Officer Sanchez, arbitrarily, in retaliation based on the content of the booklet, and in violation of the clearly established protections of the CFEA and the First Amendment, advised Hershey that he was prohibited from distributing his booklets on the sidewalk at 900 Virginia Avenue.

24. Hershey asserted his right to remain and continue to peaceably distribute his literature outdoors on the sidewalk at 900 Virginia Avenue.

25. Officer Sanchez then arrested Hershey and handcuffed Hershey behind his back for approximately forty-five minutes.

26. Officer Sanchez's handcuffing of Hershey caused him physical injuries that required medical treatment.

27. During Hershey's entire interaction with Officer Sanchez, Hershey was entirely peaceable and never resisted arrest, an arrest that Hershey knew to be unlawful.

28. Officer Sanchez then searched Hershey's person without Hershey's consent and without cause, probable cause or reasonable suspicion that a crime had been or was about to be committed.

29. Officer Sanchez then confined Hershey in the rear seat of a University Police vehicle, forcing Hershey to remain in an awkward and uncomfortable position bent forward while handcuffed behind his back while sitting on a rigid bench seat without any seat cushions for approximately thirty minutes.

30. Officer Sanchez issued a citation to Hershey for trespassing first degree at 900 Virginia Avenue, which was an entirely false allegation, and the charge was refused by the Columbia Prosecuting Attorney. Copy of trespassing citation attached and marked Exhibit 1.

31. Officer Sanchez told Hershey that he was banned from the Columbia campus for one year and that Hershey would be arrested if he returned to campus within one year.

32. Hershey has not returned to the Columbia campus of the University since February 17, 2016.

33. Officer Clifford was present and acquiesced to and joined with Officer Sanchez in arresting, detaining, handcuffing, searching, holding, charging, and injuring Plaintiff without cause, probable cause, or reasonable suspicion that a crime had been or was about to be committed.

#### **Prior Interference with Hershey's First Amendment rights**

34. Hershey has also distributed free, noncommercial, literature in support of his strongly held vegetarian beliefs at tables at events held on the St. Louis campus of the University, for which distribution he was compensated by not-for-profit advocacy organizations.

35. The St. Louis campus charges for tables, and Director Diggs has arbitrarily, and based on the content and viewpoint of Hershey's literature, charged him more than other groups: In the spring of 2010 and continuing each semester thereafter until the spring of 2014, Director Diggs charged Hershey \$100 for a table but charged the

St. Louis Animal Rights Team \$50. Copy of receipt attached and marked Exhibit 2. In May, 2014, Director Diggs charged Hershey \$200 for a table but charged for-profit organization Joyce Manufacturing \$125.

36. Prior to the violations of February 17, 2016, Columbia campus police had interfered with and prevented Hershey from distributing literature.

37. On April 26 and September 1 of 2011, Plaintiff was lawfully on the city public sidewalk along Hitt Street on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs, for which distribution he was compensated by not-for-profit advocacy organizations.

38. Hitt Street and its adjacent sidewalks, including the areas where Hershey was distributing his literature, are either Columbia city streets and sidewalks or contiguous to and indistinguishable from Columbia city streets and sidewalks, and therefore are traditional public fora.

39. At no time on April 26, 2011 or September 1, 2011, did Hershey ever create a disturbance or interfere with pedestrian or other traffic or violate any law or interfere with University operations.

40. On April 26, 2011, shortly after Hershey began to distribute booklets, Officer Anliker approached him and asked to see a copy of the booklets that Hershey was distributing.



41. After reviewing the booklet, Officer Anliker arbitrarily, and in response to the content in the booklet, advised Hershey that he was prohibited from distributing the booklets on the sidewalk along Hitt Street.

42. Fearful of arrest, Hershey immediately complied with the directive to cease handing out his booklets, even though Hershey knew the directive was unlawful.

43. Officer Anliker then ordered Hershey to vacate the area, stating "Sooner or later there will be a complaint."

44. Fearful of arrest, Hershey immediately complied with the directive to vacate the area without further distributing his literature, even though Hershey knew that directive too was unlawful.

45. Hershey subsequently filed two formal complaints with the University Columbia campus police via online complaint processes on and before May 5, 2011. Copy of one of the complaints attached and marked Exhibit 3.

46. The University campus police replied to the complaints, telling Hershey that the Columbia campus police would train its department regarding free speech on sidewalks along Columbia city streets.

47. On September 1, 2011, Plaintiff Hershey was again lawfully on the city public sidewalk along Hitt Street on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs, for which distribution he was compensated by nonprofit advocacy groups.

48. Shortly after Hershey began to distribute booklets on September 1, 2011, Hershey was approached by Officer Doe, who asked to see a copy of Hershey's booklets.

49. After reviewing the booklet, the officer arbitrarily, and in response to the content of the booklet, told Hershey that he was prohibited from distributing his booklets on the sidewalk along Hitt Street.

50. Additional campus police arrived in their vehicles and, along with the first officer, remained in close proximity to Hershey for approximately thirty minutes.

51. The heavy police presence during that time interfered with Hershey's lawful activities by deterring students from accepting Hershey's booklets

52. Hershey made a complaint to the Columbia campus police about Officer Doe and about the campus police failing to train its officers regarding free speech on sidewalks along Columbia city streets, as it had said it would do in response to Hershey's earlier online complaints. Copy of the complaint attached and marked Exhibit 4.

53. Campus police failed to respond to Hershey's complaint about the September 1, 2011, incident.

## COUNT I

### **VIOLATION OF THE CAMPUS FREE EXPRESSION ACT ON FEBRUARY 17, 2016**

54. Hershey incorporates as if fully set out paragraphs 1-53.

55. The Campus Free Expression Act, which became effective on August 28, 2015, prevents Missouri public institutions of higher education from restricting the freedom of expression of the public. *See* Mo. Rev. Stat. §173.1550 (2015).

56. The University of Missouri is a public institution of higher education.

57. Under the CFEA, §173.1550.2, “the outdoor areas of campuses of public institutions of higher education in this state shall be deemed traditional public forums.”

58. In a “traditional public forum,” restrictions on speech are “sharply circumscribed.” *Perry Educ. Ass’n v. Perry Local Educators Ass’n*, 460 U.S. 37, 45 (1983). Content-based restrictions are prohibited absent a showing that they are “necessary to serve a compelling state interest and ... narrowly drawn to achieve that end,” and even content-neutral time, place, and manner restrictions must be “narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.” *Id.*; *see* Mo. Rev. Stat. §172.1550.2.

59. The CFEA further directs that “[a]ny person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.” Mo. Rev. Stat. §172.1550.3.

60. The CFEA specifically names the “distribution of literature” as one of the “[e]xpressive activities protected under [its] provisions.” Mo. Rev. Stat. §172.1550.1.

61. Defendants The Curators of the University of Missouri, Chancellor Foley, President Middleton, the Board of Curators, and Officers Sanchez and Clifford, violated Hershey’s rights under the CFEA in the following respects:

A. By preventing Hershey from freely engaging in noncommercial expressive activity by distributing literature in an outdoor area of the campus as protected by the CFEA. Mo. Rev. Stat. §172.1550.

B. By arresting, handcuffing, searching, confining, and injuring Hershey without cause, probable cause, or reasonable suspicion, in response to and in retaliation for Hershey engaging in one of the “[e]xpressive activities” specifically “protected under [the CFEA’s] provisions,” namely, the “distribution of literature.” Mo. Rev. Stat. §172.1550.1.

C. By issuing a trespassing citation to Hershey and stating that he was banned from the Columbia campus of the University for one year and threatening him with arrest if he returned to the campus during the year, in response to and in retaliation for Hershey engaging noncommercial expressive activity specifically protected by the CFEA, namely, “distribution of literature.” Mo. Rev. Stat. §172.1550.1.

62. Section 173.1550.5 provides for an award to Hershey of compensatory damages, costs and attorney fees as redress for the violation of his protected rights.

63. Section 173.1550.6 provides that if the court finds that an individual's expressive rights were violated through a violation of the CFEA, "the court shall award the aggrieved persons," such as Hershey, "no less than five hundred dollars for the initial violation, plus fifty dollars for each day the violation remains ongoing."

64. As a proximate cause of the violations of the CFEA by Defendants The Curators of the University of Missouri, Chancellor Foley, President Middleton, the Board of Curators, and Officers Sanchez and Clifford, Hershey was damaged in the following respects:

- A. Personal and psychological injuries.
- B. Denial of his right of expression under the CFEA and First Amendment to the United States Constitution.
- C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.
- D. Embarrassment and humiliation.
- E. Lost wages
- F. Medical expenses.
- G. Pain and suffering

**WHEREFORE**, Plaintiff Hershey prays for judgment against Defendants The Curators of the University of Missouri, President Middleton, Chancellor Foley, the Board of Curators, Defendant Officers Sanchez and Clifford for compensatory damages for physical and emotional injuries, medical expenses, pain and suffering, embarrassment, humiliation, and lost wages, for statutory damages of at least at \$500 for the first day of

each violation, February 17, 2016, and at least \$50 for each day that each violation is ongoing, and, in addition, for at least \$50 for each day since February 17, 2016, that Hershey is banned from the University, for attorney's fees, and costs, and for such other and further relief that the court deems just and proper.

Hershey further requests a declaratory judgment finding that the CFEA protects Plaintiff's right to engage in peaceable distribution of noncommercial leaflets in outdoor areas of all University of Missouri campuses and injunctive relief under §173.1550.5, enjoining the Curators of the University of Missouri and all of the Defendants from interfering with Hershey's right to freely engage in noncommercial expressive activity as protected by the CFEA and First Amendment, including but not limited to distribution of literature, on all of its campuses, and any other declaratory or injunctive relief that the court deems just and proper.



## **COUNT II**

### **VIOLATION OF THE CAMPUS FREE EXPRESSION ACT --UNLAWFUL UNIVERSITY POLICIES**

65. Hershey incorporates as if fully set out paragraphs 1-64.

66. For the last nine years, Hershey has regularly distributed free, noncommercial literature in support of his strongly held vegetarian beliefs, on the St. Louis campus of the University, for which he has been compensated by various non-profit advocacy groups.

67. Hershey has been required to obtain a permit before distributing literature on the St. Louis campus. Hershey desires to and intends to continue to distribute his noncommercial literature on the St. Louis campus.

68. Hershey also has distributed his free noncommercial literature on the Columbia campus of the University, for which distribution he is compensated by various not-for-profit advocacy organizations. Hershey desires to resume distributing noncommercial literature on the Columbia campus.

69. Because Hershey has distributed and attempted to distribute literature on University campuses and he intends to continue to do so, he has been and is affected by University regulations that unlawfully restrict his right to free expression under the CFEA and the First Amendment. He therefore has standing to challenge those regulations.

70. The Board of Curators, pursuant to Mo. Rev. Stat. §172.100, adopted a regulation governing the use of University facilities and equipment, Univ. Mo. Reg.

§110.010. A copy of Univ. Mo. Reg. §110.010 is attached and marked Exhibit 5, and that regulation remains in effect and is published on the University website.

71. Section 110.010 of the University's regulations violates the CFEA as follows:

A. Subsection 110.010.B(1) requires individuals "not connected with the University," such as Hershey, to obtain written permission of the Chancellor to "use" the buildings or grounds, and thus violates Hershey's rights under the CFEA by:

1. Imposing a prior restraint by requiring permission and giving unfettered discretion to a decision maker to determine whether to allow "use" of the campus grounds which is forbidden on public fora. *See Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750, 757-760 (1988).

2. Failing to comply with the CFEA requirement that any time, place, and manner restriction provide "clear, published, content, and viewpoint-neutral criteria," provide "ample alternative means of expression," and serve a "significant institutional interest." Mo. Rev. Stat. §173.1550.2.

3. Failing to comply with the CFEA directive that "[a]ny person who wishes to engage in noncommercial expressive activity on campus be permitted to do so freely," Mo. Rev. Stat. §173.1550.3.

B. Subsection 110.010.B(2) requires that "[w]ritten permits ... be secured in advance from the Chancellor" for temporary use of the University

grounds for purposes other than regularly schedule classroom work and thus violates Hershey's rights under the CFEA by:

1. Imposing a prior restraint by requiring a permit and giving unfettered discretion to a decision maker to determine whether to allow "use" of the campus grounds which is forbidden on public fora. *See Lakewood*, 486 U.S. at 757-760.

2. Failing to comply with the CFEA requirement that any time, place, and manner restriction provide "clear, published, content, and viewpoint-neutral criteria," provide "ample alternative means of expression," and serve a "significant institutional interest." Mo. Rev. Stat. §173.1550.2.

3. Failing to comply with the CFEA directive that "[a]ny person who wishes to engage in noncommercial expressive activity on campus be permitted to do so freely," Mo. Rev. Stat. 173.1550.3.

C. Subsection 110.010.E(3), provides that members of the public, such as Hershey, "who are on University property without specific permission or authorization or without an appropriate purpose may be deemed guilty of trespass." A person "shall be deemed to be 'without specific permission or authorization' from and after such time as they are asked to leave the property." *Id.* Under the provision, a person "shall be deemed to be on University property 'without an appropriate purpose' whenever their presence is not reasonably related to the University's educational function, or an

approved University related extracurricular activity.” *Id.* The provision thus violates Hershey’s rights under the CFEA by:

1. Granting unfettered discretion to an unnamed person to impose punishment on Hershey and others for exercising rights under the CFEA, by deeming them guilty of trespass, which encourages and causes University employees to engage in the type of conduct perpetrated against Hershey when he attempted to exercise his rights under the CFEA on the Columbia campus on February 17, 2016.

2. Prohibiting, or severely restricting, the access of Hershey and other non-University persons to a traditional public forum.

3. Imposing a purpose and content requirement in a traditional public forum by requiring the presence of non-university persons to be “reasonably related to the University’s educational function.”

72. Subsections 110.010.B(1) & (B)(2) violate Hershey’s rights under the CFEA by imposing a prior restraint on his expression and giving unfettered discretion to a decision maker to determine whether to allow him to “use” the campus grounds. Subsection 110.010.E(5) violates Hershey’s right to “freely” distribute literature in the outdoor areas of the University campuses, imposes a content requirement on his expression, and chills the exercise of his rights of expression under the CFEA by placing him in jeopardy of being found guilty of trespass and being forcibly removed simply by being present on University property.

73. By maintaining, publishing, and enforcing Univ. Mo. Reg. §110.010.B(1) & (B)(2) and §110.010.E(3) after the effective date of the CFEA, August 28, 2015, Defendants The Curators of the University of Missouri, the Board of Curators, President Middleton, and Chancellors Foley and George, violated and continue to violate the CFEA.

74. Section 173.1550.5 provides for an award to Hershey of compensatory damages, costs and attorney fees to redress violations of Hershey's protected rights.

75. Section 173.1550.6 provides that the court shall award "no less than \$500 for the initial violation and \$50 per day for each additional day that the University is in violation of the CFEA."

76. As a proximate cause of Defendants The Curators of the University of Missouri, the Board of Curators, President Middleton, and Chancellors Foley and George, Hershey was damaged in the following respects:

- A. Denial of his right of expression under the CFEA and First Amendment to the United States Constitution.
- B. Lost wages.
- C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.
- D. Embarrassment and humiliation.
- E. Personal and psychological injuries.
- F. Pain and suffering.
- G. Medical bills.

**WHEREFORE,** Plaintiff Richard Hershey prays for judgment against Defendants The Curators of the University of Missouri, President Middleton, Chancellors Foley and George, and the Board of Curators for damages for violation of his rights under the CFEA and the First Amendment, personal and psychological injuries, embarrassment and humiliation, lost wages, medical bills, pain and suffering and other compensatory damages and statutory damages in an amount of at least \$500 for the first day of each violation, August 28, 2015, and at least \$50 for each day that each violative policy remains in effect, for attorney's fees, costs, and such other relief that the court deems just and proper.

Hershey further requests a declaratory judgment stating that Univ. Mo. Reg. §110.010.B(1) & (2) and §110.010.E(3) are void and have no force and effect, and an injunction under §173.1550.5, enjoining The Curators of the University of Missouri, President Middleton, Chancellors Foley and George, and the Board of Curators from continuing to publish and enforce Univ. Mo. Reg. §110.010.B(1)&(2) and §110.010.E(3), and for such further declaratory and injunctive relief that the court deems just and proper.

### **COUNT III**

#### **CLAIM FOR VIOLATION OF THE FIRST, FOURTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION PURSUANT TO 42 U.S.C. 1983.**

77. Hershey incorporates as if fully set out paragraphs 1-76 above.

78. Prior to, and continuing after, passage of the CFEA, Hershey had a right under the First and Fourteenth Amendments to the United States Constitution, pursuant to 42 U.S.C. 1983, to distribute literature on the public sidewalks on the Columbia campus of the University, including along Hitt Street and at 900 Virginia Avenue because such areas were and are public fora that forbid restrictions or permit only limited restrictions on expression under the First Amendment.

79. The conduct of Officers Sanchez and Clifford on February 17, 2016, violated Hershey's clearly established right to freedom of expression under the First and Fourteenth Amendments to the United States Constitution by interfering with and preventing him from exercising his right of speech by distributing literature and retaliating against him for exercising and attempting to exercise his First Amendment rights by arresting him, searching him, detaining him, confining him, handcuffing him, and injuring him, all without probable cause or reasonable suspicion that a crime had been or was about to be committed.

80. The conduct of Officers Sanchez and Clifford on February 17, 2016, violated Plaintiff Hershey's clearly established right to be free from unlawful search and seizure under the Fourth and Fourteenth Amendments by arresting him, searching him,

detaining him, confining him, handcuffing him, and injuring him, all without probable cause or reasonable suspicion that a crime had been or was about to be committed.

81. The conduct of Officer Anliker on April 26, 2011, and Officer Doe on September 1, 2011, violated Hershey's clearly established right to freedom of expression under the First and Fourteenth Amendments to the United States Constitution by interfering with and preventing him from exercising his First Amendment right of speech by distributing literature.

82. The conduct of Director Diggs at the St. Louis campus of the University in charging a lower table rate to others distributing literature than to Hershey violated his clearly established right of expression under the First and Fourteenth Amendments by discriminating against his expression on the basis of content and viewpoint, which eventually discouraged him from renting a table to distribute literature.

83. Defendants President Middleton, Chancellors Foley and George, and The Board of Curators interfered with Hershey's exercise of his First Amendment rights by official policy, by regulations, by unofficial policy, by failure to have a policy, or by acquiescence in the arbitrary and capricious denial of Hershey's rights by University officials acting under color of state law in their official capacities as police officers of the Columbia campus of the University.

84. As a proximate cause of Officers Sanchez and Clifford's violations of the First, Fourth, and Fourteenth Amendments on February 17, 2016, Hershey was damaged in the following respects:

A. Personal and psychological injuries



B. Denial of his right of expression under the First Amendment to the United States Constitution.

C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.

D. Embarrassment and humiliation.

E. Lost wages

F. Medical expenses.

G. Pain and suffering

85. As a proximate cause of Officers Anliker and Doe's violations of the First Amendment in 2011, Hershey was damaged in the following respects:

A. Denial of his right of expression under the First Amendment to the United States Constitution.

B. Embarrassment and humiliation.

C. Lost wages

86. As a proximate cause of Defendant Diggs violations of Hershey's First Amendment rights, Hershey has been damaged in the following respects:

A. Excessive fees

B. Lost wages

**WHEREFORE**, Plaintiff Richard Hershey prays for judgment against Defendant Officers Sanchez and Clifford in their individual capacities for damages for physical and emotional injury, pain and suffering, humiliation, embarrassment, lost wages, medical bills, and other damages; for judgment against Officers Anliker and Doe

for damages for emotional injury, humiliation, embarrassment, lost wages, and other damages; for judgment against Officers Sanchez, Clifford, Anliker, and Doe for costs and attorney's fees under 42 U.S.C. 1988, and for such other and further relief as this court deems just and proper.

In addition, Hershey requests a declaratory judgment and injunctive relief against Defendants President Middleton, Chancellor Foley, Chancellor George, and the Board of Curators, all in their official capacities, finding that the First and Fourteenth Amendments protect Plaintiff's right to engage in peaceable distribution of noncommercial leaflets in public areas of all University of Missouri campuses, including Columbia and St. Louis, that the First and Fourth Amendment protects Plaintiff's right of access to indoor areas made available for expressive activities without content or viewpoint discrimination, and enjoining these defendants from interfering with Hershey's exercise of his First Amendment rights, for costs and attorney's fees pursuant to 42 U.S.C. § 1988, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

By /s/ Robert Herman  
Robert Herman, Bar No. 32376MO  
8830 Ladue Road, Suite 201  
St. Louis, Missouri 63124  
Ph. 314/862-0200  
Fax 314/862-3050  
Email [bherman@laduelaw.com](mailto:bherman@laduelaw.com)  
*Attorney for Plaintiff, Richard Hershey*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 9, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system.

By: /s/ Robert Herman

**IN THE STATE OF MISSOURI  
TWENTY-FIRST JUDICIAL CIRCUIT – ST. LOUIS COUNTY**

RICHARD HERSHEY,

Plaintiff,

vs.

THE CURATORS OF THE  
UNIVERSITY OF MISSOURI,

MICHAEL A. MIDDLETON,  
Interim President, University of Missouri,  
in his official capacity,

DR. HENRY C. FOLEY,  
Interim Chancellor, University  
of Missouri-Columbia,  
in his official capacity,

THOMAS F. GEORGE, Chancellor  
University of Missouri, St. Louis,  
in his official capacity,

DONALD L. CUPPS,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity,

MAURICE B. GRAHAM,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity,

PAMELA Q. HENDRICKSON,  
Member of the University

Cause No. 16SL-CCO1581

Division 11

of Missouri Board of  
Curators, in her official capacity,

JOHN R. PHILLIPS,  
Member of the University  
of Missouri Board of Curators,  
in his official capacity,

PHILLIP H. SNOWDEN,  
Member of the University of Missouri  
Board of Curators, in his official capacity,

DAVID L. STEELMAN,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity,

NATHAN SANCHEZ,  
Police Officer for the University of  
Missouri – Columbia Police Department,  
in his individual capacity,

JACOB CLIFFORD  
Police Officer for the University of  
Missouri – Columbia Police Department,  
in his individual capacity,

BUDDY ANLIKER,  
Police Officer for the University  
of Missouri – Columbia Police Department,  
in his individual capacity,

JOHN DOE,  
Police Officer for the University  
of Missouri – Columbia Police Department,  
in his individual capacity,

and, )  
 )  
 BENARD DIGGS, Director )  
 Office of MSC Operations for the )  
 University of Missouri – St. Louis, )  
 in his individual capacity, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

### **FIRST AMENDED PETITION**

#### **CIVIL RIGHTS ACTION FOR DAMAGES, DECLARATORY, AND INJUNCTIVE RELIEF FOR VIOLATION OF THE CAMPUS FREE EXPRESSION ACT, MO. REV. STAT. §173.1550; AND VIOLATION OF THE FIRST, FOURTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION, 42 U.S.C. §1983**

#### **Preliminary Statement**

1. This is a civil rights action for acts taking place on the St. Louis and Columbia campuses of the University of Missouri (the University) in which Plaintiff Richard Hershey seeks relief for violation of the Campus Free Expression Act, Mo. Rev. Stat. §173.1550 (2015), and for violation of the First, Fourth, and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. §1983. Plaintiff seeks declaratory and injunctive relief, compensatory and statutory damages, an award of costs and attorney's fees, and such further relief as this Court deems just and fair.

#### **Jurisdiction**

2. This Court has jurisdiction over claims brought under the Missouri Campus Free Expression Act, Mo. Rev. Stat. §173.1550, as a court of "competent jurisdiction" to

hear civil actions between Missouri residents regarding state law. *Id.* This Court has jurisdiction to order declaratory relief under Mo. Rev. Stat. §527.010.

3. This Court has personal jurisdiction over the individual parties because all individual parties are residents of the state of Missouri. This Court has jurisdiction over The Curators of the University of Missouri (the legal name of the University, *see* Mo. Rev. Stat. §172.020), because the Campus Free Expression Act (CFEA) provides for a private cause of action against Missouri public institutions of learning, such as the University, by persons whose “expressive rights were violated through a violation of” the CFEA.

4. This Court has concurrent jurisdiction with the federal court over Hershey’s claim under 42 U.S.C. §1983, for violation of the federal constitution. *See Shapiro v. Columbia Union Nat’l Bank & Trust Co.*, 576 S.W.2d 310, 316 (Mo. banc 1978).

### **Venue**

5. Venue is proper in this Court because Hershey resides in St. Louis County, all defendants reside in the State of Missouri, Defendants Maurice B. Graham and, upon information and belief, Chancellor Thomas F. George, reside in St. Louis County, the St. Louis campus of the University of Missouri is in St. Louis County, and some of the acts alleged occurred in St. Louis County. Mo. Rev. Stat. §508.010.

### **Parties**

6. Hershey is a citizen of the United States and a resident of St. Louis County in the state of Missouri.

7. Defendant The Curators of the University of Missouri is the corporate name of the state university known as The University of Missouri, which has campuses in Columbia, St. Louis, Kansas City, and Rolla, Missouri. *See* Mo. Rev. Stat. §172.020

8. Defendant Michael A. Middleton is the Interim President of the University of Missouri system and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee, and agent of the University. President Middleton is named in his official capacity.

9. Defendant Dr. Henry C. Foley is the Interim Chancellor of the University of Missouri – Columbia campus, and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee, and agent the University. Chancellor Foley is named in his official capacity.

10. Defendant Thomas F. George is the Chancellor of the University of Missouri – St. Louis campus, and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee and agent of the University. Chancellor George is named in his official capacity.

11. Donald L. Cupps, Maurice B. Graham, Pamela Q. Hendrickson, John R. Phillips, Phillip H. Snowden, and David L. Steelman are members of the University Board of Curators and were acting under color of law in the course and scope of their duties as duly appointed and acting policymakers, officers, servants, and agents of the



University. Defendants Cupps, Graham, Hendrickson, Phillips, Snowden, and Steelman are named in their official capacities and are referred to collectively as the Board of Curators.

12. Defendant Nathan Sanchez was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Sanchez is named in his individual capacity.

13. Defendant Jacob Clifford was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Clifford is named in his individual capacity.

14. Defendant Buddy Anliker was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Anliker is named in his individual capacity.

15. Defendant John Doe was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Doe is named in his individual capacity.

16. Defendant Benard Diggs was at all relevant times employed as Director of the Office of MSC Operations for the University on the St. Louis campus and was acting

under color of state law in the course and scope of his duties as an agent and employee of the University. Director Diggs is named in his individual capacity.

### **Facts in Common to All Counts**

#### **Hershey's Arrest for Distribution of Literature**

17. Hershey is a vegetarian advocate whose ethical beliefs compel him to share his message, which he does by distributing free, noncommercial literature, for which he is compensated by various not-for-profit advocacy organizations.

18. On February 17, 2016, Hershey was lawfully on the public sidewalk at 900 Virginia Avenue on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of Hershey's strongly held vegetarian beliefs, for which he was compensated by a not-for-profit advocacy organization.

19. Virginia Avenue and its adjacent sidewalks, including the areas where Hershey was distributing his literature, are outdoor areas of the Columbia campus and contiguous to and indistinguishable from Columbia city streets and therefore traditional public fora.

20. At no time while Hershey was on the Columbia campus to distribute literature on February 17, did he ever create a disturbance, interfere with pedestrian or other traffic, violate any law, or disrupt the functioning of the University.

21. The University dining hall "Plaza 900" is located at 900 Virginia Avenue, and was open for business during Hershey's entire presence outdoors at 900 Virginia Avenue.

22. Shortly after Hershey began to distribute his literature, Officer Sanchez approached him and requested a copy of Hershey's booklet, which Hershey gave him.

23. After reviewing the booklet, Officer Sanchez, arbitrarily, in retaliation based on the content of the booklet, and in violation of the clearly established protections of the CFEA and the First Amendment, advised Hershey that he was prohibited from distributing his booklets on the sidewalk at 900 Virginia Avenue.

24. Hershey asserted his right to remain and continue to peaceably distribute his literature outdoors on the sidewalk at 900 Virginia Avenue.

25. Officer Sanchez then arrested Hershey and handcuffed Hershey behind his back for approximately forty-five minutes.

26. Officer Sanchez's handcuffing of Hershey caused him physical injuries that required medical treatment.

27. During Hershey's entire interaction with Officer Sanchez, Hershey was entirely peaceable and never resisted arrest, an arrest that Hershey knew to be unlawful.

28. Officer Sanchez then searched Hershey's person without Hershey's consent and without cause, probable cause or reasonable suspicion that a crime had been or was about to be committed.

29. Officer Sanchez then confined Hershey in the rear seat of a University Police vehicle, forcing Hershey to remain in an awkward and uncomfortable position bent forward while handcuffed behind his back while sitting on a rigid bench seat without any seat cushions for approximately thirty minutes.

30. Officer Sanchez issued a citation to Hershey for trespassing first degree at 900 Virginia Avenue, which was an entirely false allegation, and the charge was refused by the Columbia Prosecuting Attorney. Copy of trespassing citation attached and marked Exhibit 1.

31. Officer Sanchez told Hershey that he was banned from the Columbia campus for one year and that Hershey would be arrested if he returned to campus within one year.

32. Hershey has not returned to the Columbia campus of the University since February 17, 2016.

33. Officer Clifford was present and acquiesced to and joined with Officer Sanchez in arresting, detaining, handcuffing, searching, holding, charging, and injuring Plaintiff without cause, probable cause, or reasonable suspicion that a crime had been or was about to be committed.

#### **Prior Interference with Hershey's First Amendment rights**

34. Hershey has also distributed free, noncommercial, literature in support of his strongly held vegetarian beliefs at tables at events held on the St. Louis campus of the University, for which distribution he was compensated by not-for-profit advocacy organizations.

35. The St. Louis campus charges for tables, and Director Diggs has arbitrarily, and based on the content and viewpoint of Hershey's literature, charged him more than other groups: In the spring of 2010 and continuing each semester thereafter until the spring of 2014, Director Diggs charged Hershey \$100 for a table but charged the

St. Louis Animal Rights Team \$50. Copy of receipt attached and marked Exhibit 2. In May, 2014, Director Diggs charged Hershey \$200 for a table but charged for-profit organization Joyce Manufacturing \$125.

36. Prior to the violations of February 17, 2016, Columbia campus police had interfered with and prevented Hershey from distributing literature.

37. On April 26 and September 1 of 2011, Plaintiff was lawfully on the city public sidewalk along Hitt Street on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs, for which distribution he was compensated by not-for-profit advocacy organizations.

38. Hitt Street and its adjacent sidewalks, including the areas where Hershey was distributing his literature, are either Columbia city streets and sidewalks or contiguous to and indistinguishable from Columbia city streets and sidewalks, and therefore are traditional public fora.

39. At no time on April 26, 2011 or September 1, 2011, did Hershey ever create a disturbance or interfere with pedestrian or other traffic or violate any law or interfere with University operations.

40. On April 26, 2011, shortly after Hershey began to distribute booklets, Officer Anliker approached him and asked to see a copy of the booklets that Hershey was distributing.

41. After reviewing the booklet, Officer Anliker arbitrarily, and in response to the content in the booklet, advised Hershey that he was prohibited from distributing the booklets on the sidewalk along Hitt Street.

42. Fearful of arrest, Hershey immediately complied with the directive to cease handing out his booklets, even though Hershey knew the directive was unlawful.

43. Officer Anliker then ordered Hershey to vacate the area, stating "Sooner or later there will be a complaint."

44. Fearful of arrest, Hershey immediately complied with the directive to vacate the area without further distributing his literature, even though Hershey knew that directive too was unlawful.

45. Hershey subsequently filed two formal complaints with the University Columbia campus police via online complaint processes on and before May 5, 2011. Copy of one of the complaints attached and marked Exhibit 3.

46. The University campus police replied to the complaints, telling Hershey that the Columbia campus police would train its department regarding free speech on sidewalks along Columbia city streets.

47. On September 1, 2011, Plaintiff Hershey was again lawfully on the city public sidewalk along Hitt Street on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs, for which distribution he was compensated by nonprofit advocacy groups.

48. Shortly after Hershey began to distribute booklets on September 1, 2011, Hershey was approached by Officer Doe, who asked to see a copy of Hershey's booklets.

49. After reviewing the booklet, the officer arbitrarily, and in response to the content of the booklet, told Hershey that he was prohibited from distributing his booklets on the sidewalk along Hitt Street.

50. Additional campus police arrived in their vehicles and, along with the first officer, remained in close proximity to Hershey for approximately thirty minutes.

51. The heavy police presence during that time interfered with Hershey's lawful activities by deterring students from accepting Hershey's booklets

52. Hershey made a complaint to the Columbia campus police about Officer Doe and about the campus police failing to train its officers regarding free speech on sidewalks along Columbia city streets, as it had said it would do in response to Hershey's earlier online complaints. Copy of the complaint attached and marked Exhibit 4.

53. Campus police failed to respond to Hershey's complaint about the September 1, 2011, incident.

## COUNT I

### VIOLATION OF THE CAMPUS FREE EXPRESSION ACT ON FEBRUARY 17, 2016

54. Hershey incorporates as if fully set out paragraphs 1-53.

55. The Campus Free Expression Act, which became effective on August 28, 2015, prevents Missouri public institutions of higher education from restricting the freedom of expression of the public. *See* Mo. Rev. Stat. §173.1550 (2015).

56. The University of Missouri is a public institution of higher education.

57. Under the CFEA, §173.1550.2, “the outdoor areas of campuses of public institutions of higher education in this state shall be deemed traditional public forums.”

58. In a “traditional public forum,” restrictions on speech are “sharply circumscribed.” *Perry Educ. Ass’n v. Perry Local Educators Ass’n*, 460 U.S. 37, 45 (1983). Content-based restrictions are prohibited absent a showing that they are “necessary to serve a compelling state interest and ... narrowly drawn to achieve that end,” and even content-neutral time, place, and manner restrictions must be “narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.” *Id.*; *see* Mo. Rev. Stat. §172.1550.2.

59. The CFEA further directs that “[a]ny person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.” Mo. Rev. Stat. §172.1550.3.



60. The CFEA specifically names the “distribution of literature” as one of the “[e]xpressive activities protected under [its] provisions.” Mo. Rev. Stat. §172.1550.1.

61. Defendants The Curators of the University of Missouri, Chancellor Foley, President Middleton, the Board of Curators, and Officers Sanchez and Clifford, violated Hershey’s rights under the CFEA in the following respects:

A. By preventing Hershey from freely engaging in noncommercial expressive activity by distributing literature in an outdoor area of the campus as protected by the CFEA. Mo. Rev. Stat. §172.1550.

B. By arresting, handcuffing, searching, confining, and injuring Hershey without cause, probable cause, or reasonable suspicion, in response to and in retaliation for Hershey engaging in one of the “[e]xpressive activities” specifically “protected under [the CFEA’s] provisions,” namely, the “distribution of literature.” Mo. Rev. Stat. §172.1550.1.

C. By issuing a trespassing citation to Hershey and stating that he was banned from the Columbia campus of the University for one year and threatening him with arrest if he returned to the campus during the year, in response to and in retaliation for Hershey engaging noncommercial expressive activity specifically protected by the CFEA, namely, “distribution of literature.” Mo. Rev. Stat. §172.1550.1.

62. Section 173.1550.5 provides for an award to Hershey of compensatory damages, costs and attorney fees as redress for the violation of his protected rights.

63. Section 173.1550.6 provides that if the court finds that an individual's expressive rights were violated through a violation of the CFEA, "the court shall award the aggrieved persons," such as Hershey, "no less than five hundred dollars for the initial violation, plus fifty dollars for each day the violation remains ongoing."

64. As a proximate cause of the violations of the CFEA by Defendants The Curators of the University of Missouri, Chancellor Foley, President Middleton, the Board of Curators, and Officers Sanchez and Clifford, Hershey was damaged in the following respects:

- A. Personal and psychological injuries.
- B. Denial of his right of expression under the CFEA and First Amendment to the United States Constitution.
- C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.
- D. Embarrassment and humiliation.
- E. Lost wages
- F. Medical expenses.
- G. Pain and suffering

**WHEREFORE**, Plaintiff Hershey prays for judgment against Defendants The Curators of the University of Missouri, President Middleton, Chancellor Foley, the Board of Curators, Defendant Officers Sanchez and Clifford for compensatory damages for physical and emotional injuries, medical expenses, pain and suffering, embarrassment, humiliation, and lost wages, for statutory damages of at least at \$500 for the first day of

each violation, February 17, 2016, and at least \$50 for each day that each violation is ongoing, and, in addition, for at least \$50 for each day since February 17, 2016, that Hershey is banned from the University, for attorney's fees, and costs, and for such other and further relief that the court deems just and proper.

Hershey further requests a declaratory judgment finding that the CFEA protects Plaintiff's right to engage in peaceable distribution of noncommercial leaflets in outdoor areas of all University of Missouri campuses and injunctive relief under §173.1550.5, enjoining the Curators of the University of Missouri and all of the Defendants from interfering with Hershey's right to freely engage in noncommercial expressive activity as protected by the CFEA and First Amendment, including but not limited to distribution of literature, on all of its campuses, and any other declaratory or injunctive relief that the court deems just and proper.

## **COUNT II**

### **VIOLATION OF THE CAMPUS FREE EXPRESSION ACT --UNLAWFUL UNIVERSITY POLICIES**

65. Hershey incorporates as if fully set out paragraphs 1-64.

66. For the last nine years, Hershey has regularly distributed free, noncommercial literature in support of his strongly held vegetarian beliefs, on the St. Louis campus of the University, for which he has been compensated by various non-profit advocacy groups.

67. Hershey has been required to obtain a permit before distributing literature on the St. Louis campus. Hershey desires to and intends to continue to distribute his noncommercial literature on the St. Louis campus.

68. Hershey also has distributed his free noncommercial literature on the Columbia campus of the University, for which distribution he is compensated by various not-for-profit advocacy organizations. Hershey desires to resume distributing noncommercial literature on the Columbia campus.

69. Because Hershey has distributed and attempted to distribute literature on University campuses and he intends to continue to do so, he has been and is affected by University regulations that unlawfully restrict his right to free expression under the CFEA and the First Amendment. He therefore has standing to challenge those regulations.

70. The Board of Curators, pursuant to Mo. Rev. Stat. §172.100, adopted a regulation governing the use of University facilities and equipment, Univ. Mo. Reg.

§110.010. A copy of Univ. Mo. Reg. §110.010 is attached and marked Exhibit 5, and that regulation remains in effect and is published on the University website.

71. Section 110.010 of the University's regulations violates the CFEA as follows:

A. Subsection 110.010.B(1) requires individuals "not connected with the University," such as Hershey, to obtain written permission of the Chancellor to "use" the buildings or grounds, and thus violates Hershey's rights under the CFEA by:

1. Imposing a prior restraint by requiring permission and giving unfettered discretion to a decision maker to determine whether to allow "use" of the campus grounds which is forbidden on public fora. *See Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750, 757-760 (1988).

2. Failing to comply with the CFEA requirement that any time, place, and manner restriction provide "clear, published, content, and viewpoint-neutral criteria," provide "ample alternative means of expression," and serve a "significant institutional interest." Mo. Rev. Stat. §173.1550.2.

3. Failing to comply with the CFEA directive that "[a]ny person who wishes to engage in noncommercial expressive activity on campus be permitted to do so freely," Mo. Rev. Stat. §173.1550.3.

B. Subsection 110.010.B(2) requires that "[w]ritten permits ... be secured in advance from the Chancellor" for temporary use of the University

grounds for purposes other than regularly schedule classroom work and thus violates Hershey's rights under the CFEA by:

1. Imposing a prior restraint by requiring a permit and giving unfettered discretion to a decision maker to determine whether to allow "use" of the campus grounds which is forbidden on public fora. *See Lakewood*, 486 U.S. at 757-760.

2. Failing to comply with the CFEA requirement that any time, place, and manner restriction provide "clear, published, content, and viewpoint-neutral criteria," provide "ample alternative means of expression," and serve a "significant institutional interest." Mo. Rev. Stat. §173.1550.2.

3. Failing to comply with the CFEA directive that "[a]ny person who wishes to engage in noncommercial expressive activity on campus be permitted to do so freely," Mo. Rev. Stat. 173.1550.3.

C. Subsection 110.010.E(3), provides that members of the public, such as Hershey, "who are on University property without specific permission or authorization or without an appropriate purpose may be deemed guilty of trespass." A person "shall be deemed to be 'without specific permission or authorization' from and after such time as they are asked to leave the property." *Id.* Under the provision, a person "shall be deemed to be on University property 'without an appropriate purpose' whenever their presence is not reasonably related to the University's educational function, or an

approved University related extracurricular activity.” *Id.* The provision thus violates Hershey’s rights under the CFEA by:

1. Granting unfettered discretion to an unnamed person to impose punishment on Hershey and others for exercising rights under the CFEA, by deeming them guilty of trespass, which encourages and causes University employees to engage in the type of conduct perpetrated against Hershey when he attempted to exercise his rights under the CFEA on the Columbia campus on February 17, 2016.

2. Prohibiting, or severely restricting, the access of Hershey and other non-University persons to a traditional public forum.

3. Imposing a purpose and content requirement in a traditional public forum by requiring the presence of non-university persons to be “reasonably related to the University’s educational function.”

72. Subsections 110.010.B(1) & (B)(2) violate Hershey’s rights under the CFEA by imposing a prior restraint on his expression and giving unfettered discretion to a decision maker to determine whether to allow him to “use” the campus grounds. Subsection 110.010.E(5) violates Hershey’s right to “freely” distribute literature in the outdoor areas of the University campuses, imposes a content requirement on his expression, and chills the exercise of his rights of expression under the CFEA by placing him in jeopardy of being found guilty of trespass and being forcibly removed simply by being present on University property.

73. By maintaining, publishing, and enforcing Univ. Mo. Reg. §110.010.B(1) & (B)(2) and §110.010.E(3) after the effective date of the CFEA, August 28, 2015, Defendants The Curators of the University of Missouri, the Board of Curators, President Middleton, and Chancellors Foley and George, violated and continue to violate the CFEA.

74. Section 173.1550.5 provides for an award to Hershey of compensatory damages, costs and attorney fees to redress violations of Hershey's protected rights.

75. Section 173.1550.6 provides that the court shall award "no less than \$500 for the initial violation and \$50 per day for each additional day that the University is in violation of the CFEA."

76. As a proximate cause of Defendants The Curators of the University of Missouri, the Board of Curators, President Middleton, and Chancellors Foley and George, Hershey was damaged in the following respects:

- A. Denial of his right of expression under the CFEA and First Amendment to the United States Constitution.
- B. Lost wages.
- C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.
- D. Embarrassment and humiliation.
- E. Personal and psychological injuries.
- F. Pain and suffering.
- G. Medical bills.



**WHEREFORE**, Plaintiff Richard Hershey prays for judgment against Defendants The Curators of the University of Missouri, President Middleton, Chancellors Foley and George, and the Board of Curators for damages for violation of his rights under the CFEA and the First Amendment, personal and psychological injuries, embarrassment and humiliation, lost wages, medical bills, pain and suffering and other compensatory damages and statutory damages in an amount of at least \$500 for the first day of each violation, August 28, 2015, and at least \$50 for each day that each violative policy remains in effect, for attorney's fees, costs, and such other relief that the court deems just and proper.

Hershey further requests a declaratory judgment stating that Univ. Mo. Reg. §110.010.B(1) & (2) and §110.010.E(3) are void and have no force and effect, and an injunction under §173.1550.5, enjoining The Curators of the University of Missouri, President Middleton, Chancellors Foley and George, and the Board of Curators from continuing to publish and enforce Univ. Mo. Reg. §110.010.B(1)&(2) and §110.010.E(3), and for such further declaratory and injunctive relief that the court deems just and proper.

### COUNT III

#### **CLAIM FOR VIOLATION OF THE FIRST, FOURTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION PURSUANT TO 42 U.S.C. 1983.**

77. Hershey incorporates as if fully set out paragraphs 1-76 above.

78. Prior to, and continuing after, passage of the CFEA, Hershey had a right under the First and Fourteenth Amendments to the United States Constitution, pursuant to 42 U.S.C. 1983, to distribute literature on the public sidewalks on the Columbia campus of the University, including along Hitt Street and at 900 Virginia Avenue because such areas were and are public fora that forbid restrictions or permit only limited restrictions on expression under the First Amendment.

79. The conduct of Officers Sanchez and Clifford on February 17, 2016, violated Hershey's clearly established right to freedom of expression under the First and Fourteenth Amendments to the United States Constitution by interfering with and preventing him from exercising his right of speech by distributing literature and retaliating against him for exercising and attempting to exercise his First Amendment rights by arresting him, searching him, detaining him, confining him, handcuffing him, and injuring him, all without probable cause or reasonable suspicion that a crime had been or was about to be committed.

80. The conduct of Officers Sanchez and Clifford on February 17, 2016, violated Plaintiff Hershey's clearly established right to be free from unlawful search and seizure under the Fourth and Fourteenth Amendments by arresting him, searching him,

detaining him, confining him, handcuffing him, and injuring him, all without probable cause or reasonable suspicion that a crime had been or was about to be committed.

81. The conduct of Officer Anliker on April 26, 2011, and Officer Doe on September 1, 2011, violated Hershey's clearly established right to freedom of expression under the First and Fourteenth Amendments to the United States Constitution by interfering with and preventing him from exercising his First Amendment right of speech by distributing literature.

82. The conduct of Director Diggs at the St. Louis campus of the University in charging a lower table rate to others distributing literature than to Hershey violated his clearly established right of expression under the First and Fourteenth Amendments by discriminating against his expression on the basis of content and viewpoint, which eventually discouraged him from renting a table to distribute literature.

83. Defendants President Middleton, Chancellors Foley and George, and The Board of Curators interfered with Hershey's exercise of his First Amendment rights by official policy, by regulations, by unofficial policy, by failure to have a policy, or by acquiescence in the arbitrary and capricious denial of Hershey's rights by University officials acting under color of state law in their official capacities as police officers of the Columbia campus of the University.

84. As a proximate cause of Officers Sanchez and Clifford's violations of the First, Fourth, and Fourteenth Amendments on February 17, 2016, Hershey was damaged in the following respects:

A. Personal and psychological injuries

B. Denial of his right of expression under the First Amendment to the United States Constitution.

C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.

D. Embarrassment and humiliation.

E. Lost wages

F. Medical expenses.

G. Pain and suffering

85. As a proximate cause of Officers Anliker and Doe's violations of the First Amendment in 2011, Hershey was damaged in the following respects:

A. Denial of his right of expression under the First Amendment to the United States Constitution.

B. Embarrassment and humiliation.

C. Lost wages

86. As a proximate cause of Defendant Diggs violations of Hershey's First Amendment rights, Hershey has been damaged in the following respects:

A. Excessive fees

B. Lost wages

**WHEREFORE**, Plaintiff Richard Hershey prays for judgment against Defendant Officers Sanchez and Clifford in their individual capacities for damages for physical and emotional injury, pain and suffering, humiliation, embarrassment, lost wages, medical bills, and other damages; for judgment against Officers Anliker and Doe

for damages for emotional injury, humiliation, embarrassment, lost wages, and other damages; for judgment against Officers Sanchez, Clifford, Anliker, and Doe for costs and attorney's fees under 42 U.S.C. 1988, and for such other and further relief as this court deems just and proper.

In addition, Hershey requests a declaratory judgment and injunctive relief against Defendants President Middleton, Chancellor Foley, Chancellor George, and the Board of Curators, all in their official capacities, finding that the First and Fourteenth Amendments protect Plaintiff's right to engage in peaceable distribution of noncommercial leaflets in public areas of all University of Missouri campuses, including Columbia and St. Louis, that the First and Fourth Amendment protects Plaintiff's right of access to indoor areas made available for expressive activities without content or viewpoint discrimination, and enjoining these defendants from interfering with Hershey's exercise of his First Amendment rights, for costs and attorney's fees pursuant to 42 U.S.C. § 1988, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

By /s/ Robert Herman  
Robert Herman, Bar No. 32376MO  
8830 Ladue Road, Suite 201  
St. Louis, Missouri 63124  
Ph. 314/862-0200  
Fax 314/862-3050  
Email [bherman@laduelaw.com](mailto:bherman@laduelaw.com)  
*Attorney for Plaintiff, Richard Hershey*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 9, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system.

By: /s/ Robert Herman

Electronically Filed - St Louis County - June 09, 2016 - 01:54 PM



<b>ORI NO. MO 0100400</b> <b>UNIVERSITY OF MO. POLICE DEPT.</b> <b>COLUMBIA, MO 65211</b>		<b>151114786</b>	
<b>UNIFORM CITATION</b>			
STATE OF MISSOURI		DIVISION	
IN THE CIRCUIT COURT OF <b>BOONE</b>		COUNTY <b>ST. LOUIS</b>	
COURT ADDRESS (STREET, CITY, ZIP) <b>600 E. BROADWAY, Columbia, MO 65201</b>			
COURT DATE <b>3/24/16</b>	COURT TIME <b>1:30</b>	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	COURT PHONE NO. <b>573-574-7230</b>
I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:			
ON/ABOUT (DATE) <b>2/24/16</b>	AT TIME <b>1:30</b> HRS	HWY CLASS	UPON/AT OR NEAR (LOCATION) <b>700 Virginia Ave</b>
WITHIN CITY/COUNTY AND STATE AFORESAID,			
NAME (LAST, FIRST, MIDDLE) <b>Hestey, Richard, Michael</b>			
STREET ADDRESS <b>1031 LEISURE LN</b>			
CITY <b>St. Louis</b>	STATE <b>MO</b>	ZIP CODE <b>63114</b>	
DATE OF BIRTH <b>7/7/3</b>	RACE <b>W</b>	SEX <b>M</b>	HEIGHT <b>5'00"</b> WEIGHT <b>160</b>
DRIVER'S LIC. NO. <b>014210011</b>		CDL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO STATE <b>MO</b>	
EMPLOYER <b>Self-employed</b>			
ADDRESS (STREET, CITY, STATE, ZIP) <b>314-994-9977</b>			
DID UNLAWFULLY <input type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK <input type="checkbox"/>		<input type="checkbox"/> C.M.V. <input type="checkbox"/> WITH HAZ MAT	
VEHICLE	YEAR	MAKE	MODEL
REGISTERED WEIGHT	LIC	NUMBER	STATE YEAR
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:			
<b>Trespassing 1st Degree by</b> <b>remaining on real property</b> <b>after warning</b>			
<input type="checkbox"/> Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)			
DRIVING	POSTED SPEED LIMIT	DETECTION METHOD	
MPH	MPH	<input type="checkbox"/> STATIONARY RADAR <input type="checkbox"/> WATCH (AIR) <input type="checkbox"/> PACE <input type="checkbox"/> MOVING RADAR <input type="checkbox"/> WATCH (GROUND) <input type="checkbox"/> OTHER	
IN VIOLATION OF: STATUTE/ORDINANCE - CHARGE CODE			
<input type="checkbox"/> RSMo <input type="checkbox"/> ORD			
SEAT BELT VIOLATION: STATUTE/ORDINANCE - CHARGE CODE			
<input type="checkbox"/> RSMo <input type="checkbox"/> ORD			
<input type="checkbox"/> IN FATAL CRASH <input type="checkbox"/> IN CRASH <input type="checkbox"/> DWI/BAC		OCN	
OFFICER	BADGE	TRP/ZONE	DATE
<b>St. Louis</b>	<b>54</b>	<b>15</b>	<b>3/24/16</b>
ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY:			
<input type="checkbox"/> RSMo <input type="checkbox"/> ORD			
PROSECUTOR'S SIGNATURE		DATE	
<b>[Signature]</b>		<b>3/24/16</b>	
I PROMISE TO DISPOSE OF THE CHARGES OF WHICH I AM ACCUSED THROUGH COURT APPEARANCE OR PREPAYMENT OF FINE AND COURT COSTS.			DR. LIC. POSTED
SIGNATURE <b>[Signature]</b>			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

MO 100-0051 (2-15)

VIOLATOR'S COPY



Scheduling Office  
University of Missouri-St. Louis  
8001 Nat. Bridge Rd, 218 Millennium Student Center  
St. Louis MO 63121

(314) 516-5264 / (314) 516-5320



## INVOICED PAID BY CHECK

## Customer

MARE E FLORETNINO  
ST. LOUIS ANIMAL RIGHTS TEAM  
P.O. BOX 440161  
ST. LOUIS, MO 63144

## Reservation:

Event Name:

Status:

Phone:

Event Type:

41060

PUPPY MILL CRUELTY  
PREVENTION  
CONFIRMED  
314-706-9599  
INFORMATION TABLE

## Bookings / Details

PAYMENT METHOD (Due Date: 3/23/2010 Completed On: 3/23/2010)

canceled

Quantity

Price

Amount

Thursday, March 25, 2010

9:00 AM - 4:00 PM PUPPY MILL CRUELTY PREVENTION (CONFIRMED) MC LOBBY A1

Reserved: 8:00 AM - 5:00 PM

1 Table; Two Chairs

## Remarks:

NON FOR PROFIT ID# ~~XXXXXXXXXX~~

Paid by Check 1209  
St. Louis Animal Rights Team, Inc  
PO Box ~~10704~~  
St. Louis, MO 63144  
314-851-0928

Amount of \$50.00 fwd payment to Tiara on 3-29-10

MSC Room Charge:

MSC LOBBY

1

\$50.00

\$50.00

Subtotal

\$50.00

Grand Total

\$50.00

Thank You



**Complaint/Allegation Form**  
**University of Missouri-Columbia Police Department**  
**(Please Print or Type)**



*Note: Identifying information is optional as complaints may be submitted anonymously.*

NAME: Richard Hershey

CAN BE CONTACTED AT: PHONE 1 ( 314 ) 994-9977

PHONE 2 ( ) \_\_\_\_\_

ADDRESS: 1031 Leisure Lane, St. Louis, MO 63146

WORK PHONE: ( 314 ) 994-9977

BRIEFLY STATE THE NATURE OF THE ALLEGATION (What is it the employee is alleged to have done, or failed to do; what were the conditions or circumstances at the time; and what resulted).

On April 26, 2011 at approximately 16:00, I was peaceable handing out noncommercial, free educational booklets to pedestrians that were interested on the sidewalk along Hitt Street between Rollins Street and University Avenue during which time Lieutenant Anliker observed me for several minutes from his patrol car while parked nearby on Hitt Street just southeast of my position. The Lieutenant then exited his vehicle and approached me on foot. He asked what I was handing out and so I gave him one of my booklets. After reviewing the booklet, the Lieutenant informed me that I was not allowed to hand out my booklets without University permission and ordered me to cease what I was doing. Although his order was unlawful, I complied for fear of arrest.

I asked the Lieutenant if the street (which was open to traffic) was owned by the City of Columbia or by the University. The Lieutenant replied that the street was owned by the City but that the campus police were authorized by the City for law enforcement on the street. I pointed out that if the street was owned by the City, then the sidewalk on which I was standing along the street was also a City sidewalk and I had a right to hand out my literature there. The Lieutenant stated as the reason for ordering me to cease "Because sooner or later there will be a complaint." The Lieutenant again ordered me to vacate so I forfeited my First Amendment protected right to speech and vacated the street under fear of arrest.

The booklets address relevant social issues and peaceably distributing them constitutes the highest form of First Amendment protected speech. If campus police officers are authorized to enforce the law on City streets, then they are also bound to uphold the US Constitution on those streets, and certainly bound not to violate my Constitutional and Civil rights or the rights of other persons seeking to peaceably distribute literature.

When distributing booklets on city sidewalks or on college and university campuses, I am peaceable, am not disruptive, do not use amplified sound, do not draw a crowd, do not place booklets on parked vehicles, do not obstruct foot-traffic or the entrances to buildings, and do not otherwise create a disturbance. The only problem on the 26<sup>th</sup> regarding my leafleting was the unlawful interference I encountered from Lieutenant Anliker.

Lieutenant Anliker (a) failed to uphold the United States Constitution and Missouri Constitution, and (b) violated my rights under the First and Fourteenth Amendments to the US Constitution, and Article I, Section 8 of the Missouri Constitution. Further, since he acted on behalf of the University in his Official capacity as police lieutenant, the University also has violated my Constitutional and Civil rights because of his unlawful conduct.

(Office Use Only)

DATE RECEIVED: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_  
POSITION: \_\_\_\_\_  
HOW RECEIVED: ☐ In Person ☐ By Phone ☐ E-mail ☐ Other  
DATE SENT TO INTERNAL AFFAIRS (Administrative Support Commander): \_\_\_\_\_

**USE:**

This form is to be completed for any allegation charged against an employee. The original copy shall be reviewed for internal affairs purposes and then filed according to procedure. A copy should be given or sent to the complainant once it is received by the department.

**(Forms may be mailed or returned to 901 Virginia Avenue, Columbia, MO 65211)**



**From:** Richard Hershey [mailto:clickrick@sprintmail.com]  
**Sent:** Friday, September 02, 2011 7:08 AM  
**To:** WelmerB@missouri.edu  
**Cc:** Watring, Jack W. (WatringJ@missouri.edu); Jack Norris (jacknorris3@gmail.com)  
**Subject:** Ongoing First Amendment violations at Mizzou

Dear Captain Welmer,

Your police department once again interfered with my First Amendment protected leafleting activities yesterday, September 1, 2011 at approximately 1745 on the City sidewalk along Hitt Street. Your officer informed me that the sidewalk was University property and informed me that I had to leave. Unlike last May, this time I did not vacate as the officer requested.

As I recall when we spoke on the phone last May, I believe that you had informed me that you were going to train your department regarding free speech on City sidewalks. In light of yesterday's experience, I respectfully submit that both the way you handled my complaint about the Lieutenant, as well as the training that I had understood was supposed to be implemented, were inadequate.

Further, I checked yesterday as to the location of the trash receptacles adjacent to Lowery Mall that I had recovered booklets from last May. The receptacles are located on the sidewalk along Hitt Street, and not up on the stairs to the mall. Therefore, when recovering the booklets, I was not on Lowery Mall as the Lieutenant and you had alleged. Even if I had stepped onto the mall to recover booklets on the ground that others had discarded, doing so does not constitute handing out booklets on University property, but is instead a courtesy to the University.

Thank you in advance for your attention to this matter.

Sincerely,

Richard Hershey



University of Missouri System  
COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS



Chapter 110: Use of Facilities and Equipment

## 110.010 Regulations

Bd. Regs. Book dated 12-10-49, pp. 70-76; Bd. Min. 7-22-65, p. 30,624; Bd. Min. 9-26-69, p. 34,751; Bd. Min. 5-18-73, p. 36,693; Amended Bd. Min. 11-19-82; Revised Bd. Min. 9-16-88.

**A. Facilities and Equipment** -- Unless otherwise specifically ordered by the Board, the President of the University may assign or reassign sites of the University for use by the University or any campus thereof. The use of sites assigned to the University shall be under the direction and control of the President. Sites assigned to a campus of the University shall be subject to the following regulations on use of facilities. Sites assigned to the University shall be subject to such regulations except that assignments or waivers provided for in such regulations shall be made by the President.

**B. General Regulations**

1. **Written Permission of the Chancellor** -- University buildings and grounds are intended for use by students, faculty and staff in support of the University's mission of research, instruction and extension. University buildings and grounds may not be used by individuals, groups or organizations not connected with the University except by written permission of the Chancellor and then, only in accordance with University rules and regulations. Where regulations require direction of the Chancellor, said regulations may be administered by Chancellors's designee(s).
2. **Permits** -- Written permits for the temporary use of University grounds, buildings or rooms therein for any purpose other than regularly scheduled classroom work must be secured in advance from the Chancellor.
3. **Religious Services or Groups** -- No advantage shall be given to any religion or religious group.
4. **Requirements** -- All classes, meetings or assemblages and use by individuals of any sort held in University buildings or on University grounds are subject to applicable U.S. and Missouri laws and University requirements, rules and regulations. In addition, it is expected that proper care will be taken of the facility and that simple rules of courtesy, decency and good manners will be observed at all times. Any failure to abide by these requirements may cause the permission for the use of the facility to be withdrawn at any time, or for future permission for use of any University facilities to be denied.
  - a. The possession of and discharge of firearms, weapons and explosives on University property including University farms is prohibited except in regularly approved programs or by University

- agents or employees in the line of duty.
- b. No University building, or part thereof, or grounds may be occupied as living rooms or bedroom except those duly set aside for such purposes.
- c. The University reserves the right to set reasonable time, place and manner restrictions on all meetings, gatherings or get-togethers to assure that the most beneficial use of the buildings and grounds of the University is made and that there is no interference with the right of students to obtain an education.
- d. The use of University facilities should not imply an endorsement of any individual, group or organization and the name of the University shall not be identified in any way with the aims, policies, programs, products, or opinions of any individual, groups or organizations which may meet in University buildings or on University grounds in accordance with these regulations.

**C. Use for Classrooms, Laboratories and Office Space**

- 1. Assignment of space in University buildings for continuing use by division, departments or other units for use as research laboratories, offices or other specific purposes will be made by the Chancellor.
- 2. Assignment of classrooms and laboratories for scheduled classes and examinations will be made on a semester-by-semester basis by the Chancellor.
- 3. Members of the University faculty, staff or students who are assigned office space in a building on the campus, and who have been authorized to have a building exterior key, shall be authorized to use such assigned office space whenever their work may require such use.

**D. Use by Recognized Student Groups**

- 1. In addition to the general rules and procedures, the following rules apply to use of University facilities by student groups and individuals.
- 2. University buildings and grounds may be utilized and open to the public for appropriate activities and programs sponsored by an officially recognized student organization, provided that such programs are in accordance with the rules and regulations established by the Board of Curators for such events, and further, that the organization file a written request for approval of the activity or program at least ten days prior to the event. The Chancellor is authorized to make an exception to the ten day rule in special circumstances.
- 3. University buildings or grounds may not be used by student organizations or enterprises which declare a dividend among its members or from which members derive financial profit; but such student organizations or enterprises may use facilities under the same conditions as nonstudent groups.
- 4. It is recognized that from time to time ad hoc groups or students may wish to use University facilities for purposes of meetings for social events. Such groups may do so only by written permission of the Chancellor.

**E. Use by Non-Student Individuals and Groups**

- 1. In addition to the general rules and procedures specified above, the



following rules apply to use of University facilities by non-student individuals and non-student groups; but this section of the regulations does not apply to official University public functions.

2. Persons who are not students or employees of the University, while on University property, are required to abide by University policies and regulations.
3. Persons who are not current students or employees of the University and who are on University property without specific permission or authorization or without an appropriate purpose may be deemed guilty of trespass. A person shall be deemed to be on University property "without specific permission or authorization" from and after such time as they are requested to leave the property. A person shall be deemed to be on University property "without an appropriate purpose" whenever their presence is not reasonably related to the University's educational function, or an approved University related extracurricular activity.
4. Use of available University facilities may be granted to nonstudent groups for meetings, programs and activities:
  - a. When the meeting, program and activity is sponsored by or the group is invited by an instructional or administrative division or department as a part of its educational program with the approval of the dean or the appropriate administrative officer of that division or department.
  - b. When sponsored by a learned, educational, professional, or scientific society for organizational or educational purposes when recommended by a dean or other appropriate administrative officer.
  - c. Other nonaffiliated and nonsponsored groups may make use of the facilities of the University upon written approval of the Chancellor.
5. Affiliated groups, as specified above in Section 110.010 E.4.a and E.4.b may be charged an approved fee.
6. Nonaffiliated, nonsponsored groups, as specified above in Section 110.010 E.4.c will be charged a fee approved by the Chancellor.
7. The Chancellor is authorized to establish specific procedures for scheduling and use of University facilities for all meetings of non-student groups to implement these regulations.

**F. Sales, Solicitation, Collections and Advertising in University Buildings or on University Grounds**

1. The sale of anything, the soliciting of subscriptions or the collection of dues is prohibited in the University buildings and upon University grounds without prior authorization of the Chancellor.
2. Recognized student organizations may not solicit subscriptions or collect dues from prospective students or guests of the University when such guests are in University buildings or on University grounds.

**G. Cleaning and Decorations**

1. **Cleaning** -- All debris must be removed from buildings and premises immediately following an event by the organization concerned. In case extraordinary cleaning is necessary by the University, the cost of such work shall be paid by the organization creating such a necessity. Any

damage to a building or a loss of University owned material or equipment resulting from the use of a building by any organization shall likewise be charged to the responsible organization.

2. **Approval** -- No decorations shall be permitted in or on University buildings or grounds except as approved by the Business Officer.
3. **Fees** -- With the approval of the Chancellor, the Business Officer may establish an appropriate fee for use of University buildings by groups.
4. Any rules and regulations not in conformity herewith are hereby repealed.

#### H. University Equipment

1. **Use of Equipment** -- The use of University equipment by individuals or organizations for activities not directly connected with the University of Missouri shall be prohibited and no loan of University equipment shall be made to any individual or organization except where reciprocal use of property is involved such as the exchange of chairs between the University of Missouri and Stephens College.
2. **Equipment to Remain on Property** -- No University equipment may be taken from University property except where such equipment is to be used in the line of official duty.



Print

(javascript:window.print())

**Request Word Doc for Board Action Only**

-Internal use only-

(mailto:CRRrequest@umsystem.edu&subject=Request%20Word%20Doc%20for%20Board%20Action&body=Please)

Next Rule: 110.015 Facilities Needs Funding and Reporting

([https://www.umsystem.edu/ums/rules/collected\\_rules/facilities/ch110/110.015\\_facilities\\_needs\\_funding\\_and\\_reporting](https://www.umsystem.edu/ums/rules/collected_rules/facilities/ch110/110.015_facilities_needs_funding_and_reporting))

Previous Rule: 110.005 Acceptable Use Policy ([https://www.umsystem.edu/ums/rules/collected\\_rules/facilities/ch110/110.005\\_acceptable\\_use\\_policy](https://www.umsystem.edu/ums/rules/collected_rules/facilities/ch110/110.005_acceptable_use_policy))



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: THE CURATORS OF THE UNIVERSITY OF MISSOURI

227 UNIVERSITY HALL  
COLUMBIA, MO 65211

Alias:

SERVE: STEPHEN J. OWENS  
GENERAL COUNSEL  
UNIVERSITY OF MISSOURI

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:  
ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see **Supreme Court Rule 54**.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: MICHAEL A MIDDLETON

Alias:

321 UNIVERSITY HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see **Supreme Court Rule 54**.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73



**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: DR. HENRY C FOLEY

Alias:

105 JESSE HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: DONALD L CUPPS

Alias:

316 UNIVERSITY HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_ (address)

Served at \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: MAURICE B GRAHAM

Alias:

316 UNIVERSITY HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server \_\_\_\_\_

Signature of Sheriff or Server \_\_\_\_\_

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: PAMELA Q HENDRICKSON

Alias:

316 UNIVERSITY HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.



CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581	(Date File Stamp)
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124	
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Other Miscellaneous Actions		

## Summons in Civil Case

The State of Missouri to: JOHN R PHILLIPS	
316 UNIVERSITY HALL COLUMBIA, MO 65211	Alias: UNIVERSITY OF MISSOURI-COLUMBIA
 COURT SEAL OF ST. LOUIS COUNTY	<p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.</p> <p><u>02-MAY-2016</u> Date</p> <p>Further Information: ALD</p> <p> Clerk</p>
<b>Sheriff's or Server's Return</b>	
<p><b>Note to serving officer:</b> Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____ (address)</p> <p>Served at _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date _____ Notary Public</p>	



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see **Supreme Court Rule 54**.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: PHILLIP H SNOWDEN

Alias:

316 UNIVERSITY HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73



**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: DAVID L STEELMAN

Alias:

316 UNIVERSITY HALL  
COLUMBIA, MO 65211

UNIVERSITY OF MISSOURI-COLUMBIA

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.  
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.  
☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public



**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: NATHAN SANCHEZ

Alias:

901 VIRGINIA AVENUE  
COLUMBIA, MO 65211

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:  
ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: JACOB CLIFFORD

Alias:

901 VIRGINIA AVENUE  
COLUMBIA, MO 65211

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation ("ENE"):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the "trial", the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: BUDDY ANLIKER

Alias:

901 VIRGINIA AVENUE  
COLUMBIA, MO 65211

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_

(name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 \_\_\_\_\_

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73



**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ELLEN LEVY SIWAK	Case Number: 16SL-CC01581	(Date File Stamp)
Plaintiff/Petitioner: RICHARD HERSHEY	Plaintiff's/Petitioner's Attorney/Address ROBERT HERMAN SUITE 201 8820 LADUE ROAD ST. LOUIS, MO 63124	
Defendant/Respondent: THE CURATORS OF THE UNIVERSITY OF MISSOURI	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	
Nature of Suit: CC Other Miscellaneous Actions		

## Summons in Civil Case

The State of Missouri to: JOHN DOE

Alias:

901 VIRGINIA AVENUE  
COLUMBIA, MO 65211

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

02-MAY-2016

Date

Further Information:

ALD

  
Clerk

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

**Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

**Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

**Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

(1) **Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

(2) **Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

CCADM73

**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

The List and Neutral Qualification Forms are provided only as a convenience to the parties in selecting a neutral. The court cannot advise you on legal matters and can only provide you with the List and Forms. You should ask your lawyer for further information.

CCADM73

**IN THE STATE OF MISSOURI  
TWENTY-FIRST JUDICIAL CIRCUIT – ST. LOUIS COUNTY**

RICHARD HERSHEY,

Plaintiff,

vs.

THE CURATORS OF THE  
UNIVERSITY OF MISSOURI, et al.

Defendants.

Cause No. \_\_\_\_\_

Div. \_\_\_\_\_

**MOTION TO FILE SUBSTITUTE PETITION  
PRESERVING ORIGINAL FILING DATE**

Comes now Robert Herman, attorney for Plaintiff, and states to the Court as follows:

1. Counsel electronically filed a Petition in the above case on April 25, 2016, eFiling Confirmation Number EF6223853.
2. Counsel discovered yesterday, on April 27, 2016, that he had inadvertently omitted a signature from the original pleading when he received an email from the Clerk notifying him that the Petition had been rejected because of the lack of a signature.
3. Rule 55.03(a) provides that an original pleading will not be stricken for lack of a signature if counsel acts “promptly” after the omission is called to the attention of the attorney filing the pleading.



Wherefore, Counsel for Plaintiff requests that the Court order the Clerk to file Plaintiff's substitute signed Petition preserving the original filing date.

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

By: Robert Herman  
Robert Herman, #32376  
8820 Ladue Road, Suite 201  
St. Louis, Missouri 63130  
Ph: 314/862-0200  
Fx: 314/862-3050  
Email: [bherman@laduelaw.com](mailto:bherman@laduelaw.com)  
*Attorney for Plaintiff, Richard Hershey*

So Ordered.

Maura B. McShane  
Circuit Judge

4/28/16  
Date



16SL-CC01581

IN THE STATE OF MISSOURI  
TWENTY-FIRST JUDICIAL CIRCUIT – ST. LOUIS COUNTY

RICHARD HERSHEY,

Plaintiff,

vs.

THE CURATORS OF THE  
UNIVERSITY OF MISSOURI,

Serve: Stephen J. Owens  
General Counsel  
University of Missouri  
227 University Hall  
Columbia, Missouri 65211

MICHAEL A. MIDDLETON,  
Interim President, University of Missouri,  
In his official capacity

Serve: Michael A. Middleton  
University of Missouri-Columbia  
321 University Hall  
Columbia, Missouri 65211

and

DR. HENRY C. FOLEY,  
Interim Chancellor, University  
of Missouri-Columbia,  
in his official capacity,

Serve: Dr. Henry C. Foley  
University of Missouri-Columbia  
105 Jesse Hall  
Columbia, Missouri 65211

and

THOMAS F. GEORGE, Chancellor  
University of Missouri, St. Louis,  
in his official capacity,

Cause No. \_\_\_\_\_

**FILED**

APR 25 2016

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

Serve: Thomas F. George )  
University of Missouri-St. Louis )  
401 Woods Hall )  
University of Missouri-St. Louis )  
One University Boulevard )  
St. Louis, Missouri 63121 )

and )

DONALD L. CUPPS, )  
Member of the University )  
of Missouri Board of )  
Curators, in his official capacity, )

Serve: Donald L. Cupps )  
University of Missouri-Columbia )  
316 University Hall )  
Columbia, Missouri 65211 )

MAURICE B. GRAHAM, )  
Member of the University )  
of Missouri Board of )  
Curators, in his official capacity, )

Serve: Maurice B. Graham )  
University of Missouri-Columbia )  
316 University Hall )  
Columbia, Missouri 65211 )

and )

PAMELA Q. HENDRICKSON, )  
Member of the University )  
of Missouri Board of )  
Curators, in her official capacity, )

Serve: Pamela Q. Hendrickson )  
University of Missouri-Columbia )  
316 University Hall )  
Columbia, Missouri 65211 )

and )

JOHN R. PHILLIPS,  
Member of the University  
of Missouri Board of Curators,  
in his official capacity,

Serve: John R. Phillips  
University of Missouri-Columbia  
316 University Hall  
Columbia, Missouri 65211

and

PHILLIP H. SNOWDEN,  
Member of the University of Missouri  
Board of Curators, in his official capacity,

Serve: Phillip H. Snowden  
University of Missouri-Columbia  
316 University Hall  
Columbia, Missouri 65211

and

DAVID L. STEELMAN,  
Member of the University  
of Missouri Board of  
Curators, in his official capacity,

Serve: David L. Steelman  
University of Missouri-Columbia  
316 University Hall  
Columbia, Missouri 65211

and

NATHAN SANCHEZ,  
Police Officer for the University of  
Missouri – Columbia Police Department,  
in his individual capacity,

Serve: Nathan Sanchez  
901 Virginia Avenue  
Columbia, MO 65211

and

JACOB CLIFFORD )  
Police Officer for the University of )  
Missouri – Columbia Police Department, )  
in his individual capacity, )

Serve: Jacob Clifford )  
901 Virginia Avenue )  
Columbia, Missouri 65211 )  
and )

BUDDY ANLIKER, )  
Police Officer for the University )  
of Missouri – Columbia Police Department, )  
in his individual capacity, )

Serve: Buddy Anliker )  
901 Virginia Avenue )  
Columbia, Missouri 65211 )  
and )

JOHN DOE, )  
Police Officer for the University )  
of Missouri – Columbia Police Department, )  
in his individual capacity, )

Serve: John Doe )  
901 Virginia Avenue )  
Columbia, Missouri 65211 )  
and )

BERNARD DIGGS, Director )  
Office of MSC Operations )  
Millennium Student Center )  
University of MO-St. Louis )  
One University Dr. )  
St. Louis, MO 63121 )

---

**PETITION**

**CIVIL RIGHTS ACTION FOR DAMAGES, DECLARATORY, AND  
INJUNCTIVE RELIEF FOR VIOLATION OF THE CAMPUS FREE  
EXPRESSION ACT, MO. REV. STAT. §173.1550; AND VIOLATION OF THE  
FIRST, FOURTH, AND FOURTEENTH AMENDMENTS TO THE UNITED  
STATES CONSTITUTION, 42 U.S.C. 1983**

**Preliminary Statement**

1. This is a civil rights action for acts taking place on the St. Louis and Columbia campuses of the University of Missouri in which Plaintiff Richard Hershey seeks relief for violation of the Campus Free Expression Act, Mo. Rev. Stat. §173.1550 (2015) (CFEA), and for violation of the First and Fourteenth Amendments to the United States Constitution pursuant to 42 U.S.C. §1983. Plaintiff seeks declaratory and injunctive relief, compensatory and statutory damages, an award of costs and attorney's fees, and such further relief as this Court deems just and fair.

**Jurisdiction**

1. This Court has jurisdiction over claims brought under the Missouri Campus Free Expression Act, Mo. Rev. Stat. §173.1550, as a court of "competent jurisdiction" to hear civil actions between Missouri residents regarding state law. This Court has jurisdiction to order declaratory relief under Mo. Rev. Stat. §527.010.

2. This Court has personal jurisdiction over the individual parties because all individual parties are residents of the state of Missouri. This Court has jurisdiction over The Curators of the University of Missouri (the legal name of the University), see Mo. Rev. Stat. §172.020, because the Campus Free Expression Act provides for a private cause of action against Missouri public institutions of learning, such as the University, by persons whose "expressive rights were violated through a violation of" the CFEA.

3. This Court has concurrent jurisdiction with the federal court over Hershey's claim under 42 U.S.C. §1983, for violation of the federal constitution. *See Shapiro v. Columbia Union Nat'l Bank & Trust Co.*, 576 S.W.2d 310, 316 (Mo. banc 1978).

#### **Venue**

4. Venue is proper in this Court because Hershey resides in St. Louis County, all defendants reside in the State of Missouri, Defendants Maurice B. Graham and, upon information and belief, Chancellor Thomas F. George, reside in St. Louis County, the St. Louis campus of the University of Missouri is in St. Louis County, and some of the acts alleged occurred in St. Louis County. Mo. Rev. Stat. §508.010.

#### **Parties**

5. Hershey is a citizen of the United States and a resident of St. Louis County in the state of Missouri.

6. Defendant The Curators of the University of Missouri is the corporate name of the state university known as The University of Missouri, which has campuses in Columbia, St. Louis, Kansas City, and Rolla, Missouri. *See* Mo. Rev. Stat. §172.020.

7. Defendant Michael A. Middleton is the Interim President of the University of Missouri system and at all relevant times acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee, and agent of the University. President Middleton is named in his official capacity.

8. Defendant Dr. Henry C. Foley is the Interim Chancellor of the University of Missouri – Columbia campus, and at all times relevant acted under color of law in the

course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee, and agent the University. Chancellor Foley is named in his official capacity.

9. Defendant Thomas F. George is the Chancellor of the University of Missouri – St. Louis campus, and at all times relevant acted under color of law in the course and scope of his duties as a duly appointed and acting policymaker, officer, servant, employee and agent of the University. Chancellor George is named in his official capacity.

10. Donald L. Cupps, Maurice B. Graham, Pamela Q. Hendrickson, John R. Phillips, Phillip H. Snowden, and David L. Steelman are members of the University Board of Curators and were acting under color of law in the course and scope of their duties as duly appointed and acting policymakers, officers, servants, and agents of the University. Defendants Cupps, Graham, Hendrickson, Phillips, Snowden, and Steelman are named in their official capacities and are referred to collectively as the Board of Curators.

11. Defendant Nathan Sanchez was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Sanchez is named in his individual capacity.

12. Defendant Jacob Clifford was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state



law in the course and scope of his duties as an agent and employee of the University.

Officer Clifford is named in his individual capacity.

13. Defendant Buddy Anliker was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Anliker is named in his individual capacity.

14. Defendant John Doe was at all relevant times employed as a police officer for the University on the Columbia campus and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Officer Doe is named in his individual capacity.

15. Defendant Bernard Diggs was at all relevant times employed as Director of the Office of MSC Operations for the University of Missouri – St. Louis and was acting under color of state law in the course and scope of his duties as an agent and employee of the University. Director Diggs is named in his individual capacity.

#### **Facts in Common to All Counts**

##### **Hershey's Arrest for Distribution of Literature**

16. Hershey is a vegetarian advocate whose ethical beliefs compel him to share his message, which he does by distributing free, noncommercial literature, for which he is compensated by various not-for-profit advocacy organizations.

17. On February 17, 2016, Hershey was lawfully on the public sidewalk at 900 Virginia Avenue on the Columbia campus of the University for the purpose of

distributing free, noncommercial, educational booklets in support of Hershey's strongly held vegetarian beliefs.

18. Virginia Avenue and its adjacent sidewalks, including the areas where Hershey was distributing his literature, are outdoor areas of the Columbia campus and contiguous to and indistinguishable from Columbia city streets and therefore traditional public fora.

19. At no time while Hershey was on the Columbia campus to distribute literature on February 17, did he ever create a disturbance, interfere with pedestrian or other traffic, violate any law, or disrupt the functioning of the University.

20. The University dining hall "Plaza 900" is located at 900 Virginia Avenue, and was open for business during Hershey's entire presence outdoors at 900 Virginia Avenue.

21. Shortly after Hershey began to distribute his literature, Officer Sanchez approached him and requested a copy of Hershey's booklet, which Hershey gave him.

22. After reviewing the booklet, Officer Sanchez, arbitrarily, in retaliation based on the content of the booklet, and in violation of the clearly established protections of the CFBA and the First Amendment, advised Hershey that he was prohibited from distributing his booklets on the sidewalk at 900 Virginia Avenue.

23. Hershey asserted his right to remain and continue to peaceably distribute his literature outdoors on the sidewalk at 900 Virginia Avenue.

24. Officer Sanchez then arrested Hershey and handcuffed Hershey behind his back for approximately forty-five minutes.

25. Officer Sanchez's handcuffing of Hershey caused him physical injuries that required medical treatment.

26. During Hershey's entire interaction with Officer Sanchez, Hershey was entirely peaceable and never resisted arrest, an arrest that Hershey knew to be unlawful.

27. Officer Sanchez then searched Hershey's person without Hershey's consent and without cause, probable cause or reasonable suspicion that a crime had been or was about to be committed.

28. Officer Sanchez then confined Hershey in the rear seat of a University Police vehicle, forcing Hershey to remain in an awkward and uncomfortable position bent forward while handcuffed behind his back while sitting on a rigid bench seat without any seat cushions for approximately thirty minutes.

29. Officer Sanchez issued a citation to Hershey for trespassing first degree at 900 Virginia Avenue, which was an entirely false allegation, and the charge was refused by the Columbia Prosecuting Attorney. (Copy of trespassing citation attached and marked Exh. 1.)

30. Officer Sanchez told Hershey that he was banned from the Columbia campus for one year and that Hershey would be arrested if he returned to campus within one year.

31. Hershey has not returned to the Columbia campus of the University since February 17, 2016.

32. Officer Clifford was present and acquiesced to and joined with Officer Sanchez in arresting, detaining, handcuffing, searching, holding, charging, and injuring

Plaintiff without cause, probable cause, or reasonable suspicion that a crime had been or was about to be committed.

**Prior Interference with Hershey's First Amendment rights**

33. Hershey has also distributed free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs and on behalf of nonprofit 501(c)(3) organization at tables at events held on the St. Louis campus of the University.

34. The St. Louis campus charges for tables and Director Diggs has arbitrarily, and based on the content and viewpoint of Hershey's literature, charged him more than other groups: In the spring of 2010 and continuing each semester thereafter until spring of 2014, the Director Diggs charged Hershey \$100 for a table but charged the St. Louis Animal Rights Team \$50. (See attached Exh. 2.) In May, 2014, Director Diggs charged Hershey \$200 for a table but charged for-profit organization Joyce Manufacturing \$125.

35. Prior to the violations of February 17, 2016, Columbia campus police had interfered with and prevented Hershey from distributing literature.

36. On April 26 and September 1 of 2011, Plaintiff was lawfully on the city public sidewalk along Hitt Street on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs and on behalf of nonprofit 501(c)(3) organization.

37. Hitt Street and its adjacent sidewalks, including the areas where Hershey was distributing his literature, are either Columbia city streets and sidewalks or

contiguous to and indistinguishable from Columbia city streets and therefore are traditional public fora.

38. At no time on April 26, 2011 or September 1, 2011, did Hershey ever create a disturbance or interfere with pedestrian or other traffic or violate any law or interfere with University operations.

39. On April 26, 2011, shortly after Hershey began to distribute booklets, Officer Anliker approached him and asked to see a copy of the booklets that Hershey was distributing.

40. After reviewing the booklet, Officer Anliker arbitrarily, and in response to the content in the booklet, advised Hershey that he was prohibited from distributing the booklets on the sidewalk along Hitt Street.

41. Fearful of arrest, Hershey immediately complied with the directive to cease handing out his booklets, even though Hershey knew the directive was unlawful.

42. Officer Anliker then ordered Hershey to vacate the area, stating "Sooner or later somebody is going to complain."

43. Fearful of arrest, Hershey immediately complied with the directive to vacate the area without further distributing his literature, even though Hershey knew the directive was unlawful.

44. Hershey subsequently filed two formal complaints with the University Columbia campus police via online complaint processes on and before May 5, 2011. (Copy of complaint attached as Exh. 3.)

45. The University campus police replied to the complaints, telling Hershey that the Columbia campus police would train its department regarding free speech on sidewalks along Columbia city streets.

46. On September 1, 2011, Plaintiff Hershey was again lawfully on the city public sidewalk along Hitt Street on the Columbia campus of the University for the purpose of distributing free, noncommercial, educational booklets in support of his strongly held vegetarian beliefs and on behalf of nonprofit 501(c)(3) organizations.

47. Shortly after Hershey began to distribute booklets on September 1, Hershey was approached by Officer Doe, who asked to see a copy of Hershey's booklets.

48. After reviewing the booklet, the officer arbitrarily, and in response to the content of the booklet, told Hershey that he was prohibited from distributing his booklets on the sidewalk along Hitt Street.

49. Additional campus police arrived in their vehicles and, along with the first officer, remained in close proximity to Hershey for approximately thirty minutes.

50. The heavy police presence during that time interfered with Hershey's lawful activities by deterring students from accepting Hershey's booklets

51. Hershey made a complaint to the Columbia campus police about Officer Doe and about the campus police failing to train its officers regarding free speech on sidewalks along Columbia city streets, as it had said it would do in response to Hershey's earlier online complaints. (?Copy attached as Exh. 5? Do we have a copy of this complaint?)

52. Campus police failed to respond to Hershey's complaint about the September 1, 2011, incident.

## COUNT I

### VIOLATION OF THE CAMPUS FREE EXPRESSION ACT ON FEBRUARY 17, 2016

53. Hershey incorporates as if fully set out paragraphs 1-51.

54. The Campus Free Expression Act, which became effective on August 28, 2015, prevents Missouri public institutions of higher education from restricting the freedom of expression of the public. *See* Mo. Rev. Stat. §173.1550 (2015).

55. The University of Missouri is a public institution of higher education.

56. Under the CFEA, §173.1550.2, "the outdoor areas of campuses of public institutions of higher education in this state shall be deemed traditional public forums."

57. In a "traditional public forum," the public has the greatest freedom of expression, and the government is permitted only to impose content-neutral time, place, and manner restrictions that serve a significant government interest, are narrowly tailored to advance that interest, and leave open ample alternative channels of communication.

*Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989); *see* Mo. Rev. Stat. §172.1550.2.

58. The CFEA further directs that "[a]ny person who wishes to engage in noncommercial expressive activity on campus shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution." Mo. Rev. Stat. §172.1550.3.



59. The CFEA specifically names the “distribution of literature” as one of the “[e]xpressive activities protected under [its] provisions.” 172.1550.1.

60. Defendants The Curators of the University of Missouri, Chancellor Foley, President Middleton, the Board of Curators, and Officers Sanchez and Clifford, violated Hershey’s rights under the CFEA in the following respects:

A. By preventing Hershey from freely engaging in noncommercial expressive activity by distributing literature in an outdoor area of the campus as protected by the CFEA. Mo. Rev. Stat. §172.1550.

B. By arresting, handcuffing, searching, confining, and injuring Hershey without cause, probable cause, or reasonable suspicion, in response to and in retaliation for Hershey engaging in one of the “[e]xpressive activities” specifically “protected under [the CFEA’s] provisions,” namely, the “distribution of literature.” Mo. Rev. Stat. §172.1550.1.

C. By issuing a trespassing citation to Hershey and stating that he was banned from the Columbia campus of the University for one year and threatening him with arrest if he returned to the campus during the year, in response to and in retaliation for Hershey engaging noncommercial expressive activity specifically protected by the CFEA, namely, “distribution of literature.” Mo. Rev. Stat. §172.1550.1.

61. Section 173.1550.5 provides for an award to Hershey of compensatory damages, costs and attorney fees for redressing Hershey’s protected rights.

62. Section 173.1550.6 provides that the court shall award “no less than \$500 for the initial violation and \$50 per day for each additional day that the University is in violation of the CFEA.”

63. As a proximate cause of the violations of the CFEA by Defendants The Curators of the University of Missouri, Chancellor Foley, President Middleton, the Board of Curators, and Officers Sanchez and Clifford, Hershey was damaged in the following respects:

- A. Personal and psychological injuries
- B. Denial of his right of expression under the CFEA and First Amendment to the United States Constitution.
- C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.
- D. Embarrassment and humiliation.
- E. Lost wages
- F. Medical expenses.
- G. Pain and suffering

**WHEREFORE**, Plaintiff Hershey prays for judgment against Defendants The Curators of the University of Missouri, President Middleton, Chancellor Foley, the Board of Curators, Defendant Officers Sanchez and Clifford for compensatory damages for physical and emotional injuries, medical expenses, pain and suffering, embarrassment, humiliation, and lost wages, for statutory damages of at least at \$500 for the first day of each violation, February 17, 2016, and at least \$50 for each day that each violation is

ongoing, and, in addition, for at least \$50 for each day since February 17, 2016, that Hershey is banned from the University, for attorney's fees, and costs, and for such other and further relief that the court deems just and proper.

Hershey further requests a declaratory judgment finding that the CFEA protects Plaintiff's right to engage in peaceable distribution of noncommercial leaflets in outdoor areas of all University of Missouri campuses and injunctive relief under §173.1550.5, enjoining the Curators of the University of Missouri and all of the Defendants from interfering with Hershey's right to freely engage in noncommercial expressive activity as protected by the CFEA and First Amendment, including but not limited to distribution of literature, on all of its campuses, and any other declaratory or injunctive relief that the court deems just and proper.

## **COUNT II**

### **VIOLATION OF THE CAMPUS FREE EXPRESSION ACT UNLAWFUL UNIVERSITY POLICIES**

64. Hershey incorporates as if fully set out paragraphs 1-62.

65. For the last nine years, Hershey has regularly distributed free, noncommercial literature in support of his strongly held vegetarian beliefs, on the St. Louis campus of the University, for which he has been compensated by various non-profit advocacy groups.

66. Hershey has been required to obtain a permit before distributing literature on the St. Louis campus. Hershey desires to and intends to continue to distribute his noncommercial literature on the St. Louis campus.

67. Hershey also has distributed his free noncommercial literature on the Columbia campus of the University, for which distribution he is compensated by various not-for-profit advocacy organizations. Hershey desires to resume distributing noncommercial literature on the Columbia campus.

68. Because Hershey has distributed and intends to continue to distribute literature on University campuses, he has and is affected by University regulations that unlawfully restrict his right to free expression under the CFEA and the First Amendment, and he therefore has standing to challenge those regulations.

69. The Board of Curators, pursuant to Mo. Rev. Stat. §172.100, adopted a regulation governing the use of University facilities and equipment, Univ. Mo. Reg. §110.010 (Copy attached as Exh. 7), and that regulation remains in effect and is published on the University website.

70. Section 110.010 of the University's regulations violates the CFEA as follows:

A. Subsection 110.010.B(1) requires individuals "not connected with the University," such as Hershey, to obtain written permission of the Chancellor to "use" the buildings or grounds, and thus violates Hershey's rights under the CFEA by:

1. Imposing a prior restraint requiring permission and giving unfettered discretion to a decision maker to determine whether to allow "use" of the campus grounds which is forbidden on public fora. *See Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750, 757 (1988).

2. Failing to comply with CFEA requirement that any time, place, and manner restriction provide “clear, published, content, and viewpoint-neutral criteria,” provide “alternative means of expression,” and serve a significant institutional interest.

3. Failing to comply with the CFEA directive that “[a]ny person who wishes to engage in noncommercial expressive activity on campus be permitted to do so freely,” Mo. Rev. Stat. 173.1550.3.

B. Subsection 110.010B(2) requires that “[w]ritten permits ... be secured in advance from the Chancellor” for temporary use of the University grounds for purposes other than regularly schedule classroom work and thus violates Hershey’s rights under the CFEA by

1. Imposing a prior restraint requiring a permit and giving unfettered discretion to a decision maker to determine whether to allow “use” of the campus grounds which is forbidden on public fora. *See Lakewood*, 486 U.S. at 757.

2. Failing to comply with CFEA requirement that any time, place, and manner restriction provide “clear, published, content, and viewpoint-neutral criteria,” provide “alternative means of expression,” and serve a significant institutional interest.

3. Failing to comply with the CFEA directive that “[a]ny person who wishes to engage in noncommercial expressive activity on campus be permitted to do so freely,” Mo. Rev. Stat. 173.1550.3.

C. Subsection 110.010.E(3), provides that members of the public, such as Hershey, “who are on University property without specific permission or authorization or without an appropriate purpose may be deemed guilty of trespass.” A person “shall be deemed to be ‘without specific permission or authorization’ from and after such time as they are asked to leave the property.” *Id.* Under the provision, a person “shall be deemed to be on University property ‘without an appropriate purpose’ whenever their presence is not reasonably related to the University’s educational function, or an approved University related extracurricular activity.” *Id.* The provision thus violates Hershey’s rights under the CFEA by:

1. Granting unfettered discretion to an unnamed person to impose punishment on Hershey and others for exercising his rights under the CFEA by deeming them guilty of trespass, which encourages and emboldens University employees to engage in the type of conduct perpetrated against Hershey when he attempted to exercise his rights under the CFEA on February 17, 2016.

2. Prohibiting, or severely restricting, the access of Hershey and other non-University persons to a traditional public forum.

3. Imposing a purpose and content requirement in a traditional public forum by requiring the presence of non-university persons to be “reasonably related to the University’s educational function.”

B. Lost wages.

C. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.

D. Embarrassment and humiliation.

E. Personal and psychological injuries.

F. Pain and suffering.

G. Medical bills.

**WHEREFORE**, Plaintiff Richard Hershey prays for judgment against Defendants The Curators of the University of Missouri, President Middleton, Chancellors Foley and George, and the Board of Curators for damages for violation of his rights under the CFEA and the First Amendment, personal and psychological injuries, embarrassment and humiliation, lost wages, medical bills, pain and suffering and other compensatory damages and statutory damages in an amount of at least \$500 for the first day of each violation, August 28, 2015, and at least \$50 for each day that each violative policy remains in effect, for attorney's fees, costs, and such other relief that the court deems just and proper.

Hershey further requests a declaratory judgment stating that Univ. Mo. Reg. 110.010B(1) &(2) and 110.010.E(3) are void and have no force and effect, and an injunction under §173.1550.5, enjoining The Curators of the University of Missouri, President Middleton, Chancellors Foley and George, and the Board of Curators from continuing to publish and enforce Univ. Mo. Reg. 110.010.B(1)&(2) and 110.010.E(3), and for such further declaratory and injunctive relief that the court deems just and proper.



### **COUNT III**

#### **CLAIM FOR VIOLATION OF THE FIRST, FOURTH, AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION PURSUANT TO 42 U.S.C. 1983.**

76. Hershey incorporates as if fully set out paragraphs 1-74 above.

77. Prior to, and continuing after, passage of the CFEA, Hershey had a right under the First and Fourteenth Amendments to the United States Constitution, pursuant to 42 U.S.C. 1983, to distribute literature on the public sidewalks on the Columbia campus of the University, including Hitt Street and at 900 Virginia Avenue because such areas were and are public fora that forbid restrictions or permit only limited restrictions on expression under the First Amendment.

78. The conduct of Officers Sanchez and Clifford on February 17, 2016, violated Hershey's clearly established right to freedom of expression under the First, Fourth, and Fourteenth Amendments to the United States Constitution by interfering with and preventing him from exercising his right of speech and retaliating against him for exercising and attempting to exercise his First Amendment right of speech.

79. The conduct of Officer Anliker on April 26, 2011, and Officer Doe on September 1, 2011, violated Hershey's clearly established right to freedom of expression under the First and Fourteenth Amendments to the United States Constitution by interfering with and preventing him from exercising his First Amendment right of speech.

80. The conduct of Director Diggs at the St. Louis campus of the University in charging a lower table rate to others distributing literature than to Hershey violated his

First Amendment speech rights by discriminating against his expression on the basis of content and viewpoint. The violation further damaged him financially and, by eventually discouraging him from renting a table, resulted in lost wages.

81. The conduct of Officers Sanchez and Clifford on February 17, 2016, in interfering with and preventing Hershey from exercising his First Amendment speech rights and retaliating against him for the exercise of his First Amendment rights violated Plaintiff Hershey's clearly established rights under the First and Fourteenth Amendment by arbitrarily preventing Hershey from exercising his First Amendment privilege to speak by distributing literature and by retaliating against Hershey for exercising or seeking to exercise his First Amendment rights by arresting him, searching him, detaining him, confining him, handcuffing him, and injuring him, all without probable cause or reasonable suspicion that a crime had been or was about to be committed, all in violation of the First, Fourth, and Fourteenth Amendments.

82. Defendants President Middleton, Chancellor Foley and George, Board of Curators interfered with Hershey's exercise of his First Amendment rights by official policy, by regulations, by unofficial policy, by failure to have a policy, or by acquiescence in the arbitrary and capricious denial of Hershey's rights by University officials acting under color of state law in their official capacities as police officers of the Columbia campus of the University.

83. As a proximate cause of Officers Sanchez and Clifford's violations of the First, Fourth, and Fourteenth Amendments on February 17, 2016, Hershey was damaged in the following respects:

- a. Personal and psychological injuries
- b. Denial of his right of expression under the First Amendment to the United States Constitution.
- c. Denial of his Fourth Amendment right to be free from unlawful arrest, search, seizure, and excessive force.
- d. Embarrassment and humiliation.
- e. Lost wages
- f. Medical expenses.
- g. Pain and suffering

84. As a proximate cause of Officers Anliker and Doe's violations of the First Amendment in 2011, Hershey was damaged in the following respects:

- a. Denial of his right of expression under the First Amendment to the United States Constitution.
- b. Embarrassment and humiliation.
- c. Lost wages

85. As a proximate cause of Defendant Diggs violations of Hershey's First Amendment rights, Hershey has been damaged in the following respects:

- a. Excessive fees
- b. Lost wages

**WHEREFORE**, Plaintiff Richard Hershey prays for judgment against Defendant Officers Sanchez and Clifford in their individual capacities for damages for physical and emotional injury, pain and suffering, humiliation, embarrassment, lost

wages, and other damages; for judgment against Officers Anliker and Doe for damages for emotional injury, humiliation, embarrassment, lost wages, and other damages; for judgment against Officers Sanchez, Clifford, Anliker, and Doe for costs and attorney's fees under 42 U.S.C. 1988, and for such other and further relief as this court deems just and proper.

In addition, Hershey requests a declaratory judgment and injunctive relief against Defendants President Middleton, Chancellor Foley, and the Board of Curators, all in their official capacities, finding that the First and Fourteenth Amendments protect Plaintiff's right to engage in peaceable distribution of noncommercial leaflets in public areas of all University of Missouri campuses, including Columbia and St. Louis, that the First and Fourth Amendment protects Plaintiff's right of access to indoor areas made available for expressive activities without content or viewpoint discrimination, and enjoining these defendants from interfering with Hershey's exercise of his First Amendment rights, for costs and attorney's fees pursuant to 42 U.S.C. § 1988, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

**SCHWARTZ, HERMAN & DAVIDSON**

By: 

Robert Herman, #32376

8820 Ladue Road, Suite 201

St. Louis, Missouri 63130

Ph: 314/862-0200

Fx: 314/862-3050

Email: [bherman@laduelaw.com](mailto:bherman@laduelaw.com)

*Attorney for Plaintiff, Richard Hershey*



**FILED**

APR 25 2016

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY**EXHIBIT****1**

ORI NO. MO 0100400		<b>16SL-CC01581</b>	
UNIVERSITY OF MO. POLICE DEPT.		151114786	
COLUMBIA, MO 65211		UNIFORM CITATION	
STATE OF MISSOURI		DIVISION	
IN THE CIRCUIT COURT OF BOONE		COUNTY	
COURT ADDRESS (STREET, CITY, ZIP)			
600 E. BROADWAY, Columbia, MO 65201			
COURT DATE		COURT TIME	
3/24/16		1:30 PM	
COURT PHONE NO.		513.874.7230	
I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:			
ON/ABOUT DATE	AT TIME	HWY CLASS	UPON/AT OR NEAR (LOCATION)
2/12/16	1:15 HRS		900 Virginia Ave
WITHIN CITY/COUNTY AND STATE AFORESAID:			
NAME (LAST, FIRST, MIDDLE)			
MICHAEL RICHARD MURPHY			
STREET ADDRESS			
1051 LEISURE LN			
CITY		STATE	ZIP CODE
ST. LOUIS		MO	63113
DATE OF BIRTH	RACE	SEX	HEIGHT
2/1/83	W	M	5'06"
WEIGHT	DRIVER'S LIC. NO.	COL.	STATE
160	12142110011	YES	MO
EMPLOYER			
5th Floor			
ADDRESS (STREET, CITY, STATE, ZIP)			
311-294-9977			
DID UNLAWFULLY <input type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK <input type="checkbox"/> C.M.V. <input type="checkbox"/> WITH HAZ MAT			
YEAR	MAKE	MODEL	STYLE
2011	TOYOTA	4DR	4DR
REGISTERED WEIGHT	NUMBER	STATE	YEAR
1500	12142110011	MO	2011
DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:			
Trespassing 1st Degree by remaining on real property after warning			
<input checked="" type="checkbox"/> Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)			
DRIVING	POSTED SPEED LIMIT	DETECTION METHOD	
15 MPH	15 MPH	<input type="checkbox"/> STATIONARY RADAR <input type="checkbox"/> WATCH (AIR) <input type="checkbox"/> PACE	
		<input type="checkbox"/> MOVING RADAR <input type="checkbox"/> WATCH (GROUND) <input type="checkbox"/> OTHER	
IN VIOLATION OF: STATUTE/ORDINANCE - CHARGE CODE			
<input type="checkbox"/> RSMo <input type="checkbox"/> ORD			
SEAT BELT VIOLATION: STATUTE/ORDINANCE - CHARGE CODE			
<input type="checkbox"/> RSMo <input type="checkbox"/> ORD			
<input type="checkbox"/> IN FATAL CRASH <input type="checkbox"/> IN CRASH <input type="checkbox"/> DWIBAC		OCN	
OFFICER		BADGE	TRP/ZONE
Sgt. J. Smith		3211	16
ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY:		<input type="checkbox"/> RSMo <input type="checkbox"/> ORD	
PROSECUTOR'S SIGNATURE		DATE	
[Signature]		3/24/16	
I PROMISE TO DISPOSE OF THE CHARGES OF WHICH I AM ACCUSED THROUGH COURT APPEARANCE OR PREPAYMENT OF FINE AND COURT COSTS.			
SIGNATURE		DR. LIC. POSTED	
[Signature]		<input type="checkbox"/> YES <input type="checkbox"/> NO	
MO 100-0051 (2-15)		VIOLATOR'S COPY	

16SL-CC01581

**FILED**

APR 25 2016

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTYScheduling Office  
University of Missouri-St. Louis  
8001 Nat. Bridge Rd, 218 Millennium Student Center  
St. Louis MO 63121

(314) 516-5264 / (314) 516-5320

INVOICED PAID BY CHECK

**Customer**MARE E FLORETNINO  
ST. LOUIS ANIMAL RIGHTS TEAM  
P.O. BOX 440161  
ST. LOUIS, MO 63144**Reservation:**

Event Name:

Status:

Phone:

Event Type:

41060

PUPPY MILL CRUELTY  
PREVENTION  
CONFIRMED  
314-706-9599  
INFORMATION TABLE**Bookings / Details**

PAYMENT METHOD (Due Date: 3/23/2010 Completed On: 3/23/2010)

canceled

Quantity	Price	Amount
----------	-------	--------

**Thursday, March 25, 2010**

9:00 AM - 4:00 PM PUPPY MILL CRUELTY PREVENTION (CONFIRMED) MC LOBBY A1

Reserved: 8:00 AM - 5:00 PM

1 Table; Two Chairs

**Remarks:**NON FOR PROFIT ID# ~~XXXXXXXXXX~~Paid by Check 1209  
St. Louis Animal Rights Team, Inc  
PO Box ~~10204~~  
St. Louis, MO 63144  
314-851-0928

Amount of \$50.00 fwd payment to Tiara on 3-29-10

MSC Room Charge:

MSC LOBBY

1	\$50.00	\$50.00
---	---------	---------

Subtotal

Grand Total

\$50.00

\$50.00

Thank You

16SL-CC01581

**FILED**

APR 25 2016

**Complaint/Allegation Form**

**University of Missouri-Columbia Police Department**

**JOAN M. GILMER**

**CIRCUIT CLERK, ST. LOUIS COUNTY**

**(Please Print or Type)**



*Note: Identifying information is optional as complaints may be submitted anonymously.*

NAME: Richard Hershey

CAN BE CONTACTED AT: PHONE 1 ( 314 ) 994-9977

PHONE 2 (     ) \_\_\_\_\_

ADDRESS: 1031 Leisure Lane, St. Louis, MO 63146

WORK PHONE: ( 314 ) 994-9977

**BRIEFLY STATE THE NATURE OF THE ALLEGATION** (What is it the employee is alleged to have done, or failed to do; what were the conditions or circumstances at the time; and what resulted).

On April 26, 2011 at approximately 16:00, I was peaceable handing out noncommercial, free educational booklets to pedestrians that were interested on the sidewalk along Hitt Street between Rollins Street and University Avenue during which time Lieutenant Anliker observed me for several minutes from his patrol car while parked nearby on Hitt Street just southeast of my position. The Lieutenant then exited his vehicle and approached me on foot. He asked what I was handing out and so I gave him one of my booklets. After reviewing the booklet, the Lieutenant informed me that I was not allowed to hand out my booklets without University permission and ordered me to cease what I was doing. Although his order was unlawful, I complied for fear of arrest.

I asked the Lieutenant if the street (which was open to traffic) was owned by the City of Columbia or by the University. The Lieutenant replied that the street was owned by the City but that the campus police were authorized by the City for law enforcement on the street. I pointed out that if the street was owned by the City, then the sidewalk on which I was standing along the street was also a City sidewalk and I had a right to hand out my literature there. The Lieutenant stated as the reason for ordering me to cease "Because sooner or later there will be a complaint." The Lieutenant again ordered me to vacate so I forfeited my First Amendment protected right to speech and vacated the street under fear of arrest.

The booklets address relevant social issues and peaceably distributing them constitutes the highest form of First Amendment protected speech. If campus police officers are authorized to enforce the law on City streets, then they are also bound to uphold the US Constitution on those streets, and certainly bound not to violate my Constitutional and Civil rights or the rights of other persons seeking to peaceably distribute literature.

When distributing booklets on city sidewalks or on college and university campuses, I am peaceable, am not disruptive, do not use amplified sound, do not draw a crowd, do not place booklets on parked vehicles, do not obstruct foot-traffic or the entrances to buildings, and do not otherwise create a disturbance. The only problem on the 26<sup>th</sup> regarding my leafleting was the unlawful interference I encountered from Lieutenant Anliker.



Lieutenant Anliker (a) failed to uphold the United States Constitution and Missouri Constitution, and (b) violated my rights under the First and Fourteenth Amendments to the US Constitution, and Article I, Section 8 of the Missouri Constitution. Further, since he acted on behalf of the University in his Official capacity as police lieutenant, the University also has violated my Constitutional and Civil rights because of his unlawful conduct.

(Office Use Only)

DATE RECEIVED: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

POSITION: \_\_\_\_\_

HOW RECEIVED: ☐ In Person ☐ By Phone ☐ E-mail ☐ Other

DATE SENT TO INTERNAL AFFAIRS (Administrative Support Commander): \_\_\_\_\_

**USE:**

This form is to be completed for any allegation charged against an employee. The original copy shall be reviewed for internal affairs purposes and then filed according to procedure. A copy should be given or sent to the complainant once it is received by the department.

**(Forms may be mailed or returned to 901 Virginia Avenue, Columbia, MO 65211)**

**FILED**

**16SL-CC01581**

**APR 25 2016**

**JOAN M. GILMER**  
CIRCUIT CLERK, ST. LOUIS COUNTY



**From:** Richard Hershey [mailto:clickrick@sprintmail.com]  
**Sent:** Friday, September 02, 2011 7:08 AM  
**To:** WelmerB@missouri.edu  
**Cc:** Watring, Jack W. (WatringJ@missouri.edu); Jack Norris (jacknorris3@gmail.com)  
**Subject:** Ongoing First Amendment violations at Mizzou

Dear Captain Welmer,

Your police department once again interfered with my First Amendment protected leafleting activities yesterday, September 1, 2011 at approximately 1745 on the City sidewalk along Hitt Street. Your officer informed me that the sidewalk was University property and informed me that I had to leave. Unlike last May, this time I did not vacate as the officer requested.

As I recall when we spoke on the phone last May, I believe that you had informed me that you were going to train your department regarding free speech on City sidewalks. In light of yesterday's experience, I respectfully submit that both the way you handled my complaint about the Lieutenant, as well as the training that I had understood was supposed to be implemented, were inadequate.

Further, I checked yesterday as to the location of the trash receptacles adjacent to Lowery Mall that I had recovered booklets from last May. The receptacles are located on the sidewalk along Hitt Street, and not up on the stairs to the mall. Therefore, when recovering the booklets, I was not on Lowery Mall as the Lieutenant and you had alleged. Even if I had stepped onto the mall to recover booklets on the ground that others had discarded, doing so does not constitute handing out booklets on University property, but is instead a courtesy to the University.

Thank you in advance for your attention to this matter.

Sincerely,

Richard Hershey

**FILED**

**16SL-CC01581**

APR 25 2016



**University of Missouri System**  
COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS

**JOAN M. GILMER**  
CIRCUIT CLERK, ST. LOUIS COUNTY



Chapter 110: Use of Facilities and Equipment

## **110.010 Regulations**

Bd. Regs. Book dated 12-10-49, pp. 70-76; Bd. Min. 7-22-65, p. 30,624; Bd. Min. 9-26-69, p. 34,751; Bd. Min. 5-18-73, p. 36,693; Amended Bd. Min. 11-19-82; Revised Bd. Min. 9-16-88.

- A. Facilities and Equipment** -- Unless otherwise specifically ordered by the Board, the President of the University may assign or reassign sites of the University for use by the University or any campus thereof. The use of sites assigned to the University shall be under the direction and control of the President. Sites assigned to a campus of the University shall be subject to the following regulations on use of facilities. Sites assigned to the University shall be subject to such regulations except that assignments or waivers provided for in such regulations shall be made by the President.
- B. General Regulations**
- 1. Written Permission of the Chancellor** -- University buildings and grounds are intended for use by students, faculty and staff in support of the University's mission of research, instruction and extension. University buildings and grounds may not be used by individuals, groups or organizations not connected with the University except by written permission of the Chancellor and then, only in accordance with University rules and regulations. Where regulations require direction of the Chancellor, said regulations may be administered by Chancellors's designee(s).
  - 2. Permits** -- Written permits for the temporary use of University grounds, buildings or rooms therein for any purpose other than regularly scheduled classroom work must be secured in advance from the Chancellor.
  - 3. Religious Services or Groups** -- No advantage shall be given to any religion or religious group.
  - 4. Requirements** -- All classes, meetings or assemblages and use by individuals of any sort held in University buildings or on University grounds are subject to applicable U.S. and Missouri laws and University requirements, rules and regulations. In addition, it is expected that proper care will be taken of the facility and that simple rules of courtesy, decency and good manners will be observed at all times. Any failure to abide by these requirements may cause the permission for the use of the facility to be withdrawn at any time, or for future permission for use of any University facilities to be denied.
    - a.** The possession of and discharge of firearms, weapons and explosives on University property including University farms is prohibited except in regularly approved programs or by University

- agents or employees in the line of duty.
- b. No University building, or part thereof, or grounds may be occupied as living rooms or bedroom except those duly set aside for such purposes.
  - c. The University reserves the right to set reasonable time, place and manner restrictions on all meetings, gatherings or get-togethers to assure that the most beneficial use of the buildings and grounds of the University is made and that there is no interference with the right of students to obtain an education.
  - d. The use of University facilities should not imply an endorsement of any individual, group or organization and the name of the University shall not be identified in any way with the aims, policies, programs, products, or opinions of any individual, groups or organizations which may meet in University buildings or on University grounds in accordance with these regulations.

**C. Use for Classrooms, Laboratories and Office Space**

1. Assignment of space in University buildings for continuing use by division, departments or other units for use as research laboratories, offices or other specific purposes will be made by the Chancellor.
2. Assignment of classrooms and laboratories for scheduled classes and examinations will be made on a semester-by-semester basis by the Chancellor.
3. Members of the University faculty, staff or students who are assigned office space in a building on the campus, and who have been authorized to have a building exterior key, shall be authorized to use such assigned office space whenever their work may require such use.

**D. Use by Recognized Student Groups**

1. In addition to the general rules and procedures, the following rules apply to use of University facilities by student groups and individuals.
2. University buildings and grounds may be utilized and open to the public for appropriate activities and programs sponsored by an officially recognized student organization, provided that such programs are in accordance with the rules and regulations established by the Board of Curators for such events, and further, that the organization file a written request for approval of the activity or program at least ten days prior to the event. The Chancellor is authorized to make an exception to the ten day rule in special circumstances.
3. University buildings or grounds may not be used by student organizations or enterprises which declare a dividend among its members or from which members derive financial profit; but such student organizations or enterprises may use facilities under the same conditions as nonstudent groups.
4. It is recognized that from time to time ad hoc groups or students may wish to use University facilities for purposes of meetings for social events. Such groups may do so only by written permission of the Chancellor.

**E. Use by Non-Student Individuals and Groups**

1. In addition to the general rules and procedures specified above, the

following rules apply to use of University facilities by non-student individuals and non-student groups; but this section of the regulations does not apply to official University public functions.

2. Persons who are not students or employees of the University, while on University property, are required to abide by University policies and regulations.
3. Persons who are not current students or employees of the University and who are on University property without specific permission or authorization or without an appropriate purpose may be deemed guilty of trespass. A person shall be deemed to be on University property "without specific permission or authorization" from and after such time as they are requested to leave the property. A person shall be deemed to be on University property "without an appropriate purpose" whenever their presence is not reasonably related to the University's educational function, or an approved University related extracurricular activity.
4. Use of available University facilities may be granted to nonstudent groups for meetings, programs and activities:
  - a. When the meeting, program and activity is sponsored by or the group is invited by an instructional or administrative division or department as a part of its educational program with the approval of the dean or the appropriate administrative officer of that division or department.
  - b. When sponsored by a learned, educational, professional, or scientific society for organizational or educational purposes when recommended by a dean or other appropriate administrative officer.
  - c. Other nonaffiliated and nonsponsored groups may make use of the facilities of the University upon written approval of the Chancellor.
5. Affiliated groups, as specified above in Section 110.010 E.4.a and E.4.b may be charged an approved fee.
6. Nonaffiliated, nonsponsored groups, as specified above in Section 110.010 E.4.c will be charged a fee approved by the Chancellor.
7. The Chancellor is authorized to establish specific procedures for scheduling and use of University facilities for all meetings of non-student groups to implement these regulations.

**F. Sales, Solicitation, Collections and Advertising in University Buildings or on University Grounds**

1. The sale of anything, the soliciting of subscriptions or the collection of dues is prohibited in the University buildings and upon University grounds without prior authorization of the Chancellor.
2. Recognized student organizations may not solicit subscriptions or collect dues from prospective students or guests of the University when such guests are in University buildings or on University grounds.

**G. Cleaning and Decorations**

1. **Cleaning** — All debris must be removed from buildings and premises immediately following an event by the organization concerned. In case extraordinary cleaning is necessary by the University, the cost of such work shall be paid by the organization creating such a necessity. Any

damage to a building or a loss of University owned material or equipment resulting from the use of a building by any organization shall likewise be charged to the responsible organization.

2. **Approval** -- No decorations shall be permitted in or on University buildings or grounds except as approved by the Business Officer.
3. **Fees** -- With the approval of the Chancellor, the Business Officer may establish an appropriate fee for use of University buildings by groups.
4. Any rules and regulations not in conformity herewith are hereby repealed.

#### H. University Equipment

1. **Use of Equipment** -- The use of University equipment by individuals or organizations for activities not directly connected with the University of Missouri shall be prohibited and no loan of University equipment shall be made to any individual or organization except where reciprocal use of property is involved such as the exchange of chairs between the University of Missouri and Stephens College.
2. **Equipment to Remain on Property** -- No University equipment may be taken from University property except where such equipment is to be used in the line of official duty.



Print (javascript:window.print())

**Request Word Doc for Board Action Only**

-Internal use only-

<mailto:CRRrequest@umsystem.edu&subject=Request%20Word%20Doc%20for%20Board%20Action&body=Please>

Next Rule: 110.015 Facilities Needs Funding and Reporting

[https://www.umsystem.edu/ums/rules/collected\\_rules/facilities/ch110/110.015\\_facilities\\_needs\\_funding\\_and\\_reporting](https://www.umsystem.edu/ums/rules/collected_rules/facilities/ch110/110.015_facilities_needs_funding_and_reporting)

Previous Rule: 110.005 Acceptable Use Policy ([https://www.umsystem.edu/ums/rules/collected\\_rules/facilities/ch110/110.005\\_acceptable\\_use\\_policy](https://www.umsystem.edu/ums/rules/collected_rules/facilities/ch110/110.005_acceptable_use_policy))



Report: CZR0026

21ST JUDICIAL CIRCUIT  
ST LOUIS COUNTY  
CIRCUIT COURT DOCKET SHEETDate: 26-Jul-2016  
Time: 2:37:28PM  
Page: 1

16SL-CC01581

RICHARD HERSHEY V THE CURATORS OF  
THE UNIVER ET AL

Security Level: 1 Public

Case Type: CC Other Miscellaneous Actions

Case Filing Date: 28-Apr-2016

Status: Pet Filed in Circuit Ct

Disposition:

Disposition Date:

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	ELLEN LEVY SIWAK (38528)		
Plaintiff	RICHARD HERSHEY (@1066944)		
Attorney for Plaintiff	ROBERT HERMAN (32376)		
Defendant	THE CURATORS OF THE UNIVERSITY OF MISSOURI (@1066947)		
Defendant	MICHAEL A MIDDLETON (@1066948)		
Defendant	HENRY C FOLEY (@1066950)		
Defendant	THOMAS F GEORGE (@1066951)		
Defendant	DONALD L CUPPS (@1066952)		
Defendant	MAURICE B GRAHAM (@1066953)		
Defendant	PAMELA Q HENDRICKSON (@1066957)		
Defendant	JOHN R PHILLIPS (@1066959)		
Defendant	PHILLIP H SNOWDEN (@1066960)		
Defendant	DAVID L STEELMAN (@1066961)		
Defendant	NATHAN SANCHEZ (@1066962)		
Defendant	JACOB CLIFFORD (@1066965)		
Defendant	BUDDY ANLIKER (@1066967)		
Defendant	JOHN DOE (@1066968)		
Defendant	BENARD DIGGS (@1066975)		

Filing Date      Description25-Apr-2016      **Judge Assigned**

DIV 11

**Pet Filed in Circuit Ct**

Petition; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5.

**Note to Clerk eFiling**

Filed By: ROBERT HERMAN

**Filing Info Sheet eFiling**

Filed By: ROBERT HERMAN

28-Apr-2016      **Order**

Motion and Order Preserving Original Filing Date of Petition.

SO ORDERED: JUDGE MAURA B. MCSHANE, DIV 2, APRIL 28, 2016

Filed By: ROBERT HERMAN

On Behalf Of: RICHARD HERSHEY

02-May-2016      **Judge/Clerk - Note**MISSING \$36.00 PER DEFENDANT ST. LOUIS COUNTY SHERIFF'S SERVICE FEE.  
PLEASE SUBMIT A NOTICE OF FILING FOR SERVICE FEE ALONG WITH PAYMENT.  
SUMMONS NOT ISSUED.**Summons Issued-Circuit**



Report: CZR0026

21ST JUDICIAL CIRCUIT  
ST LOUIS COUNTY  
CIRCUIT COURT DOCKET SHEET

Date: 26-Jul-2016  
Time: 2:37:28PM  
Page: 2

Case continued from previous page.

16SL-CC01581

**RICHARD HERSHEY V THE CURATORS OF  
THE UNIVER ET AL**

**Security Level: 1 Public**

Document ID: 16-SMCC-3111, for THE CURATORS OF THE UNIVERSITY OF MISSOURI.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3113, for MIDDLETON, MICHAEL A.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3114, for FOLEY, HENRY C.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3115, for CUPPS, DONALD L.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3116, for GRAHAM, MAURICE B.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3118, for HENDRICKSON, PAMELA Q.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3119, for PHILLIPS, JOHN R.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3120, for SNOWDEN, PHILLIP H.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3121, for STEELMAN, DAVID L.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3122, for SANCHEZ, NATHAN.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3123, for CLIFFORD, JACOB.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

Report: CZR0026

21ST JUDICIAL CIRCUIT  
ST LOUIS COUNTY  
CIRCUIT COURT DOCKET SHEET

Date: 26-Jul-2016  
Time: 2:37:28PM  
Page: 3

Case continued from previous page.

**16SL-CC01581**

**RICHARD HERSHEY V THE CURATORS OF  
THE UNIVER ET AL**

**Security Level: 1 Public**

**02-May-2016 Summons Issued-Circuit**

Document ID: 16-SMCC-3124, for ANLIKER, BUDDY.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Summons Issued-Circuit**

Document ID: 16-SMCC-3125, for DOE, JOHN.

Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**09-Jun-2016 Amended Motion/Petition Filed**

Amended Petition; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5.

**Filed By:** ROBERT HERMAN

**On Behalf Of:** RICHARD HERSHEY

**17-Jun-2016 Order Granting Leave**

Leave Granted to Amned Petition

SO ORDERED: JUDGE ELLEN LEVY SIWAK

**28-Jun-2016 Request Filed**

Request for Issuance of Summons.

**Filed By:** ROBERT HERMAN

**On Behalf Of:** RICHARD HERSHEY

**29-Jun-2016 Alias Summons Issued**

Document ID: 16-SMCC-4883, for GEORGE, THOMAS F. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**Alias Summons Issued**

Document ID: 16-SMCC-4884, for DIGGS, BENARD. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.

**05-Jul-2016 Notice of Service**

Notice of Acceptance of Service.

**Filed By:** ROBERT HERMAN

**On Behalf Of:** RICHARD HERSHEY